

Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate for Education and Training in Wales

ESTYN'S FLEXIBLE WORKING POLICY



Information page

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Information box

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Flexible Working Policy

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Section 1: Organisational Approach

Introduction

- 1.1 Estyn is committed to improving the working lives of all staff and encourages them to ensure they find the appropriate balance between their working lives and their home lives.
- 1.2 This flexible working policy has been developed to help Estyn's permanent employees to achieve a satisfactory work-life balance whilst still recognising that the business needs of Estyn are paramount. The policy is based on the right to apply to work flexibly as enshrined in employment law and sets out Estyn's approach to flexible working (including home-working). Its provisions, however, exceed the statutory minimum requirement for considering requests to work flexibly.
- 1.3 In order to ensure that there is a transparent, consistent process for making and considering **all** applications to work flexibly, all applications will be considered in line with the statutory timetable. The procedure for making and considering applications is set out in Section 4 of this policy.
- 1.4 When this policy is signed by both Estyn and trades unions, it will take immediate effect, except for the provisions relating to homeworking. Those provisions will not take operational effect until a future date to be agreed in writing between Estyn and the trades unions.
- 1.5 Employees operating the flexible working arrangement provided for in this policy are expected to contribute to the achievement of Estyn's goals in the same way as any other employee, by achieving the outputs and outcomes agreed with line managers in accordance with Estyn's performance management system.
- 1.6 In return, Estyn will provide flexibility and choice, over working arrangements, as far as it reasonably can given the nature of much of our work.
- 1.7 All applications to work flexibly will be considered carefully, sympathetically and on a case by case basis. Wherever possible, Estyn will support applications when it can be shown that benefits from such arrangements can be realised by the employee without adverse effect on Estyn's business needs. There is no automatic right for staff to work flexibly.
- 1.8 Priority will be given to applications to work flexibly from employees who want to combine a career with caring responsibilities (young children, elderly or sick dependants) and from employees with a disability or health problem or other personal circumstance that make normal working arrangements and home-life difficult for them to manage.
- 1.9 The document, *Guidance on Flexible Working in Estyn* provides detailed advice about working flexibly, and the effect such arrangements can have on salary, pension etc. Because home-working has particular features that make such working arrangements distinct from other flexible working options, guidance addressing homeworking issues has been prepared. The appropriate guidance should be read

before any application to work flexibly is made by an employee or considered by a line manager and its provisions followed should an application be approved.

1.10 This policy, and the associated guidance on flexible working and on home working, are non-contractual.

Working from home on an exceptional basis

1.11 When it is more efficient to do so, staff can work from home on an exceptional basis. This flexibility should only be utilised on rare occasions, for example when employees are returning from a meeting and their home is closer to the venue of the meeting than one of Estyn's offices. In such circumstances, it might be more efficient for the employee to work from home for the remainder of the day than to travel on to one of Estyn's offices. If employees plan to utilise this flexibility they should seek the agreement of the line manager to the arrangement before working from home.

Section 2: To whom does this policy apply?

- 2.1 This policy applies to all permanent employees in Estyn, regardless of their age, gender, gender identity, disability, race, ethnic or national origin, religion or belief, sexual orientation or marital status. To check on fairness and consistency of treatment, Estyn will monitor the results of applications to work flexibly.
- 2.2 To be eligible to apply to work flexibly, employees will:
 - a. usually have satisfactorily completed their probation period; or
 - b. have been assessed as performing wholly satisfactorily in their most recent annual review: and
 - c. not have made an application to work flexibly during the previous twelve months.

Secondees

- 2.3 The flexible working policy does not apply in its entirety to secondees. Secondees can apply to homework. Secondees and line managers should follow the same process as that for employees when making and considering applications to homework. Other elements of the Flexible Working Policy are not available to secondees.
- 2.4 Applications to homework from secondees should not be agreed by line managers until they are satisfied that the secondee would be able to work effectively at home. A secondee's suitability for home working should only be assessed when the secondee has successfully completed a qualifying period.
- 2.5 The duration of the qualifying period will vary depending on the experience of the secondee. Line managers will, therefore, have a high level of flexibility in considering if a homeworking arrangement would suit a particular secondee. Factors line managers would take into account before considering an application to homework would include individual circumstances of the secondee, past track record, previous inspection experience etc. The qualifying period should be used by the line manager to obtain assurance that the secondee has received the appropriate level of initial support he / she needed when starting work with us and that has enabled him / her to work.
- 2.6 Any agreement by Estyn to allow a secondee to home work will not result in a change to the terms and conditions of service the secondee has with his / her host employer.

Section 3: The legal framework

3.1 Some employees have the right to apply to work flexibly under the Employment Rights Act 1996 and subsequent legislation and regulations (see paragraph 3.2). No employees have an *entitlement* to change their working arrangements and line managers have discretion, taking account of Estyn's business needs, to decide whether requests for flexible working can be agreed in individual cases.

Right to apply to work flexibly under the Employment Rights Act 1996 and subsequent flexible working regulations (ERA 1996)

- 3.2 Under the ERA 1996 and subsequent flexible working regulations and legislation, employees have the right to request to work flexibly to take care of a child aged up to and including 16 years, or under age 18 if the child is disabled, if the employee has or expects to have responsibility for the upbringing of the child and is either:
 - a. the mother, father, adopter, guardian or foster parent of the child; or
 - b. married to, civil partner or partner of the mother, father, adopter, guardian or foster parent of the child.
- 3.3 Employees also have the right to request to work flexibly to care for an adult (i.e. a person aged 18 or over) if the employee is or expects to be caring for a person in need of care who is:
 - a. married to, or the partner or civil partner of the employee; or
 - b. a near relative of the employee; or
 - c. living at the same address as the employee.

On what grounds can applications made under the ERA 1996 be declined?

- 3.4. Applications to work flexibly made under the ERA 1996 can be declined only on the following business grounds (which are taken directly from the relevant legislation), when it can be shown that:
 - a. the organisation is unable to meet the burden of additional costs;
 - b. agreeing to the application will have a detrimental effect on ability to meet customer demand:
 - c. the work cannot be re-organised among existing staff;
 - d. the organisation will be unable to recruit additional staff to cover for the flexibility requested;
 - e. agreeing to the application will have a detrimental impact on quality;
 - f. agreeing to the application will have a detrimental impact on performance;
 - g. there is insufficiency of work during the periods the employee proposes to work;
 - h. planned structural changes mitigate against agreeing the application;
 - i. there are such other grounds for declining applications as the Secretary of State may specify.

Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

- 3.5 The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 introduced rights for part-time workers, when compared with their full-time equivalent colleagues, which entitles them to:
 - a. the same hourly rate of pay;
 - b. the same access to pension schemes;
 - c. the same entitlement to holiday and maternity / parental leave on a pro-rata basis;
 - d. pro-rata entitlements to contractual sick pay;
 - e. no less access to training, development and promotion opportunities
- 3.6 Estyn will ensure that employees who work part time are treated in accordance with these regulations.

Section 4: Procedure for making and considering applications to work flexibly

Making an application

- 4.1 An employee wishing to apply to work flexibly, or to vary an existing flexible working arrangement, should do so by writing to his / her line manager using the 'Application to work flexibly' form. He / she should provide the following information in the application and, if necessary, at subsequent meetings:
 - a. what flexibility is being requested;
 - b. the effect the flexibility applied for could have on service delivery in his / her team and Estyn more widely;
 - c. how that effect might be managed;
 - d. the reason(s) supporting the application;
 - e. whether the application to work flexibly is a statutory one being made under the ERA 1996;
 - f. the employee's relationship to the person being cared for (if appropriate);
 - g. how those caring responsibilities are being managed (if appropriate);
 - h. a proposed start date for the flexible working to start, providing sufficient time to enable line managers to consider the proposal and implement it (if possible not less then 3 months);
 - i. whether or not a previous application has been made to work flexibly, and if so the date of the previous application;
 - ii. a completed pre-homeworking risk assessment to be found at Appendix 1 (if the flexibility being requested is homeworking).
- 4.2 In relation to an application to home-work, if there are any issues identified in the completed pre-home working risk assessment that might prevent successful homeworking, it is the applicant's responsibility to ensure that they are addressed before the application can be considered further. The line manager is responsible for signing off the risk assessment, after seeking advice from Estyn's Health and Safety Officer, as appropriate.

Flexible working and specific posts

- 4.3 Whilst Estyn is committed to providing the widest possible range of flexible working arrangements for its workforce, the full range of flexible working arrangements may not be available to all employees across the organisation at a given time because of business needs, for example applications from HMI to work flexi-time or compressed hours may prove difficult to agree because of the nature of inspection activity. Applications may, therefore, be declined on business grounds or employees may be asked to agree to amendments in the detail of their application.
- 4.4 When considering applications to work flexibly, Estyn will wish to ensure that the business of the organisation can continue effectively. We will, for example, wish to ensure that sufficient cover is provided in teams that provide a service to enable that service to be provided consistently and effectively during the working week.

- 4.5 Where there are a number of employees already working flexibly in an area or business function, approving further applications for flexible working may not be possible unless services can be provided consistently and effectively.
- 4.6 In all cases, line managers will consider carefully whether work can be organised in such a way as to accommodate flexible working applications without adversely affecting Estyn's operational requirements. If requests cannot be approved, the reasons why will be explained in full to the employee.

Considering applications

- 4.7 Line managers should consider all requests carefully and sympathetically to ensure that individual circumstances and operational requirements are both taken into account. Line managers should, therefore, consider the following factors before reaching a conclusion about an application:
 - a. the needs of the employee;
 - b. the business needs of the job and the organisation;
 - c. the impact of the proposed new arrangement on the other people in the same team and how this impact will be managed;
 - d. the impact of the proposed arrangement on service continuity and effectiveness:
 - e. whether there are additional costs incurred, e.g. recruiting other staff to cover for periods of absence;
 - f. the benefits / shortcomings of the proposed new working arrangements, including whether they will allow the team to retain and benefit from important or specialist skills and expertise;
 - g. (in respect of home-working) whether the employee is likely to be able to work effectively in a home-working arrangement.

Process for taking applications forward

- 4.8 The flowchart at Appendix 2 illustrates the process for making and considering applications to work flexibly. Because of slight variations in the process for considering applications to homework, the flowchart at Appendix 3 illustrates the process for considering such applications.
- 4.9 The line manager should acknowledge receipt of the application within five working days. Within 28 calendar days of receipt of the application, the line manager must consult appropriately and arrange a meeting with the employee to discuss the request. This meeting is not required if Estyn can agree to the application without amendment and notifies the employee accordingly within the 28 days limit.
- 4.10 Within the 28 days time limit for considering an application, the line manager should consult the Head of Directorate and the Human Resources team in order to ensure that applications are given full and equitable consideration. Whilst any reasons given for the application are confidential, the line manager may also wish to discuss the application with other members of the team in order to establish the effect agreeing to the change might have on them. However, whilst the application may be discussed, the

reasons for an application should not be divulged to the team without the applicant's agreement in writing to such team discussions taking place.

4.11 If, after having consulted appropriately, there are no well-founded business reasons why a proposed flexible working arrangement could not work in practice, the application can be agreed, subject to satisfactory completion of a three month trial period¹. If the flexibility applied for includes a reduction in working hours, the individual will receive pay and other terms and conditions of employment (for example annual leave) in proportion to the number of hours worked. Whilst the trial period is underway, these changes will be temporary until a decision about the flexible working arrangement is finalised.

Meeting with employee to discuss application

- 4.12 After consulting as appropriate, the line manager should arrange to meet the applicant to:
 - a. discuss the application with a view to:
 - i. seeking clarification on any points that remain unclear;
 - agreeing an extension to the timetable for considering the application whilst the further information (see paragraph 4.14) is obtained (if necessary); and
 - iii. talking about how the flexibility requested in the application would work if it was approved.
 - b. agree the application as drafted, subject to a three month trial period before the arrangements are finally approved or declined (see paragraph 4.18 for the purpose of the trial period.)
- 4.13 Where an application to work flexibly is made under one of the criteria in the Employment Rights Act (see Section 3 for details) the applicant has the right to be accompanied at a meeting by a fellow work colleague
- 4.14 There may be some occasions where the time limits laid out in this procedure will have to be extended with agreement by all parties, for example due to sickness absence or other reasons such as having to obtain further medical advice (see paragraph 4.23 below). The line manager and the employee can agree to extend any of these time limits and this agreement must be recorded in writing, specifying the date on which the extension is to end. A copy of this record must be sent to the employee.

¹ Where an application to work flexibly is made by an employee who has the statutory right to apply to work flexibly under the Employment Rights Act 1996 (see Section 3 for details), the employee has to give his / her express agreement to a trial period. In such circumstances, if the employee does not agree to a trial period, the line manager will have to decide whether to agree to the application without a trial period or turn it down. In all other circumstances, agreeing an application to work flexibly will be subject to the applicant successfully completing a three month trial period.

Notification of decision on application to work flexibly

- 4.15 Within fourteen calendar days of the meeting in paragraph 4.12, or any later date agreed at the meeting, the line manager should notify the employee in writing of his / her decision on the application to work flexibly, copying the correspondence to the Human Resources team. This notification will either:
 - a. approve the request in its entirety and establish a start date for the trial a period (if agreed by the applicant see footnote 2) and any other action; or
 - b. approve the request with modifications (including the trial period) agreed at the meeting with the applicant, or
 - c. decline the application setting out clear business reasons for the rejection together with notification of the appeals process (see paragraph 4.27).
- 4.16 If the flexibility requested is to home-work, once the employee has been told that his / her application has been successful, the Human Resources team will issue the homeworking agreement at appendix 4 to the employee. The employee should sign the homeworking agreement and return it to the Human Resources team before the trial period can begin. Once received, the Human Resources team will copy the homeworking agreement to the line manager who will then give authority to the ICT / Accommodation teams to provide the appropriate equipment (see *Guidance on homeworking* for details of equipment that may be provided).

Trial period

- 4.17 Any changes to employees' terms and conditions of employment resulting from a successful application to work flexibly will be permanent and have contractual effect, subject to the satisfactory completion of a three month trial period². Monitoring the effect of the flexible working arrangement during the trial period will allow the line manager to assess whether or not the flexible working arrangement is working. It will also enable the employee time to reflect on the effect flexible working has on him / her and on the services provided by Estyn to internal and external customers.
- 4.18 In order to make an assessment about the success or otherwise of the flexible working arrangement, line managers should ensure that the employee understands that in order for an arrangement to be made permanent, during the three month trial period the employee will have to demonstrate that:
 - a. service delivery has been satisfactory;
 - b. he / she has not shown deterioration in his / her performance due to working flexibly (or any other reason):
 - c. the flexible working arrangements have not been abused by the employee.

² Where an application to work flexibly is made by an employee who has the statutory right to apply to work flexibly under the Employment Rights Act 1996 (see Section 3 for details), the employee has to give his / her express agreement to a trial period. In such circumstances, if the employee does not agree to a trial period, the line manager will have to decide whether to agree to the application without a trial period or turn it down. In all other circumstances, agreeing an application to work flexibly will be subject to the applicant successfully completing a three month trial period.

- 4.19 There are particular issues relating to home-working that should be considered before a decision to agree to home-working is made. Advice relating to assessing the effect of a home-working arrangement can be found in section 5.
- 4.20 Within ten working days of the end of the three month trial period, the employee and line manager will meet to discuss how the flexible working arrangement worked in practice and to reach a conclusion about whether the arrangement should be made permanent. If, in the line manager's judgement, the trial period has been successful, the Human Resources team will be asked by the line manager to issue the employee with a new employment contract which confirms the new flexible working arrangement. The change in working arrangement will be permanent.
- 4.21 If, in the line manager's judgement, the flexible working arrangement is not working effectively due to one or more of the reasons in paragraph 4.18 or for any other reason, the flexible working arrangement may be terminated with immediate effect and the employee will return to his / her previous working arrangement.
- 4.22 The employee can appeal against a decision not to confirm a flexible working arrangement (including home-working) after the trial period following the procedure in paragraph 4.27.

Medical evidence

- 4.23 Where the reason for an application to work flexibly is connected to a medical condition, Estyn may need to seek advice from the Occupational Health Service (OHS) provider before reaching a conclusion on the application. This may include referring the employee for an examination. A decision about an application may be delayed until after medical information has been received by the OHS providers.
- 4.24 The purpose of the referral is to ascertain the nature of the condition and whether the request to work flexibly due to a medical condition is reasonable. In order for the referral to proceed, the employee will be asked by the Human Resources team to agree to the OHS provider obtaining medical reports about him / her. If consent is not given, a decision on the application to work flexibly will be made using the available information.
- 4.25 Confidentiality of medical information will be respected, but the Human Resources team will normally share the OHS provider's report with the applicant's line manager to help him / her reach a decision on the application.
- 4.26 If a disability is identified by the OHS report which is regarded as a disability in the Disability Discrimination Acts, Estyn will consider making appropriate reasonable adjustments for the employee. This could include a change in working hours or other flexible working arrangement. In such cases, the Human Resources team will provide advice to managers on how to manage the application.

Appeal against a decision to decline an application to work flexibly

4.27 If an employee wishes to appeal against a decision to turn down an application to work flexibly, he / she should do so within fourteen calendar days of receipt of the notification of the decision. For the purposes of this paragraph, the employee will be

deemed to have received the notification about his / her application to work flexibly one day after an e-mail was sent to him / her containing the outcome of the application.

- 4.28 Appeals should be made to the employee's Head of Directorate or Chief Inspector if the applicant is a Head of Directorate. The Head of Directorate / Chief Inspector will appoint an Appeals Officer who will normally consider the employee's appeal within 14 calendar days of being informed of the employee's decision to appeal. The Appeals Officer will normally be another line manager in Estyn who had not previously been involved in the consideration of the application.
- 4.29 Within the 14 calendar days timetable, the Appeals Officer will have considered the relevant papers, met the employee and anyone else that he / she feels could contribute to the appeals process before reaching his / her decision.
- 4.30 Within fourteen calendar days of the appeal meeting, the Appeals Officer must notify the employee of the decision on the appeal. The notification will either:
 - a. uphold the appeal, specify the agreed flexibility and start date; or
 - b. dismiss the appeal, state the grounds for the decision and contain a sufficient explanation of the refusal.

Section 5: Assessing the effect of a flexible -working arrangement

- 5.1 In order to determine if the trial period for a flexible working arrangement has been successful, the line manager should assess the effect the arrangement has had on the business and on the employee. To enable the line manager to conclude that the arrangement has been successful, the line manager needs to be satisfied that:
 - service provision has been satisfactory since the employee has been working flexibly;
 - b. the employee's performance has been satisfactory during the trial period;
 - the employee has not abused the flexible working arrangement; and ,in respect of home working, the employee
 - d. is coping professionally and socially with home-working; and
 - e. has actually worked from home and not worked regularly from one of Estyn's offices.
- 5.2 If, in the line manager's judgement, he / she concludes that the flexible working arrangement has been successful, the arrangement can be made permanent and a new employment contract issued. However, if in the line manager's judgement the arrangement has been unsuccessful, the flexible working arrangement may be terminated, giving two weeks notice and the employee will return to their previous work pattern or to office based working in the case of a home-worker. Before the arrangement is terminated the line manager should discuss the matter with the Human Resources team, particularly if arrangement was agreed following an application to work flexibly under the Employment Rights Act 1996.

Grounds for terminating a flexible working arrangement

- 5.3 A decision to terminate a flexible working arrangement either at the end of the trial period or any time thereafter can only be taken if in the judgement of the line manager one or more of the following statements applies:
 - a. a business need arising from a change in the way a service is provided requires the employee to return to his / her previous working arrangement, or to office based work to enable the service to be provided effectively and efficiently see paragraph 5.4;
 - b. there are changes in the personnel at Estyn's offices which do not enable the service to be provided effectively and efficiently under the flexible working arrangement paragraph 5.5;
 - c. the employee's performance has deteriorated as a result of the arrangement (or because of any other reason) and the employee has had the opportunity to improve his / her performance see paragraph 5.6;
 - d. the flexible working arrangements have been abused by the employee see paragraph 5.7;
 - e. (for a home-worker) the employee is not coping with the challenges of home-working (working alone, professional and social isolation etc.) see paragraph 5.8; and / or
 - f. (for a home worker) is continuing to work regularly from one of Estyn's offices when undertaking his / her day-to-day activities.

- 5.4 If in the judgement of the line manager a business need arising from a change in the way a service is provided requires the employee to revert to their previous working arrangement, or for a home-worker to return to office based work to enable the service to be provided effectively and efficiently, the line manager should give two weeks notice that the arrangement is being terminated see paragraph 5.9. The decision to terminate an arrangement should only be taken after the line manager and the employee have discussed the revised business need.
- 5.5 If there are changes in the personnel at Estyn through retirement, resignation, long-term illness etc, which in the line manager's opinion, result in services not being able to be provided effectively and efficiently, the line manager should give two weeks notice that the flexible working arrangement is being terminated and the employee will revert to their previous working arrangement, or for a home-worker revert to office based work see paragraph 5.8.
- 5.6 If the flexible working arrangement is being terminated because the employee is not performing satisfactorily, such action should only be taken after he / she has been given the opportunity to improve his / her performance following a three month review period where he / she is supported by his / her line managers. If in line manager's judgement the flexible working arrangement is still not working satisfactorily after the three month review period, the line manager should give notice to end the arrangement with immediate effect see paragraph 5.9.
- 5.7 If, in the line manager's opinion, flexible working arrangements have been abused by the employee, the line manager should give notice that the arrangement will be terminated immediately and the employee will revert to their previous working arrangement, or for a home-worker will return to office based work. Depending on the nature of the "abuse", the employee may also be subject to disciplinary action.
- 5.8 In respect of home-workers, the home-working arrangement can also be terminated if, in the line manager's opinion, the home-worker is not coping with the challenges of home-working. For example, but not limited to this example, if the home-worker is not participating in / attending team meetings or undertaking an appropriate level of personal development opportunities, it might be appropriate for the home-working arrangement to be reviewed and, if no improvement is seen after three months support from line managers, the arrangement terminated. Similarly, if a home worker is working regularly from one of Estyn's offices, the agreement can be terminated if the home worker does not agree to work from home, as it would inefficient to provide facilities at the home workers home base as well as in one of Estyn's offices.
- 5.9 Where line managers have given notice of termination of the flexible working arrangement in writing, they should provide the reasons why the arrangement is ending and copy the correspondence to the Human Resources team, who will issue a revised employment contract reflecting the revised working arrangements within 10 working days. The employee can appeal against the decision not to confirm the flexible working arrangement, following the process as set out in paragraph 4.28.

Return of equipment

5.10 Within ten working days of a home-working arrangement coming to an end, it is the home-worker's responsibility to return all equipment provided by Estyn to enable home-working to take place to one of Estyn's offices in a satisfactory condition.

Section 6: Applications to vary a flexible working arrangement

- 6.1 Subject to satisfactory completion of a three month trial period, any change to an employee's working arrangements made as a result of a request to work flexibly (including to home-work) is usually regarded as a permanent variation to the employee's contract of employment.
- 6.2 Estyn will consider requests to return to a previous working arrangement, but employees have no automatic right to revert to a previous working arrangement (including to revert to office based working) unless such a right is a condition of the approval of the original flexible working request. The process in this policy for making and considering applications to work flexibly should be followed if an employee wishes to revert to a previous working arrangement.
- 6.2 It may not be possible to agree to a return to a previous working arrangement at the time such a request is received, for example because of the business needs of the organisation or due to budgetary pressures. When considering requests to resume a previous working arrangement, line managers should take into account the business needs of Estyn, including the availability of funding to meet the additional costs where appropriate, as well as the employee's reasons for wishing to return to a previous working arrangement.

Section 7: Secondary employment

- 7.1 Employees are not prevented from taking up secondary or additional employment whilst working in Estyn. However, employees taking up secondary employment should ensure that the work does not involve any conflict of interest with their work for Estyn nor prevent them from undertaking the full range of their duties.
- 7.2 If employees are in any doubt about whether secondary employment conflicts with their work in Estyn, they should speak to their line mangers before applying for such employment.
- 7.3 Employees taking up secondary or additional employment should inform their line manager and the Human Resources team of the additional hours worked to enable Estyn to satisfy its duties under the Working Time Directive by monitoring the total number of hours worked.

Appendix 1

Estyn: Health and Safety – Pre home-working risk assessment

Issue	Yes	No (give details of action needed to correct position)	Action taken and date (give details of action taken to correct position)
Is the place or area where home-working is taking place large enough to accommodate the equipment to be provided i.e. including a desk, printer, fax, storage facilities etc			
In the place or area where home-working is			
Is a smoke detector in place to detect the possibility of fire?			
Is the work area lighting adequate with light fittings in good working condition?			
Is the work area free from glare, harsh reflections?			
Is the temperature in the work area acceptable – not too hot or too cold?			
Is the floor area level and free from obstacles and slip or trip hazards (e.g. leads) etc?			
Is the work area free from electrical, fire and other hazards e.g. loose cables, kettle, flammable or chemical			

materials (cleaning agents)?	
Are all sockets in good order and undamaged?	
Is the work area free from hazards caused by unsafe storage e.g. boxes, folders stacked on shelves?	
Is there adequate floor and work surface space available to carry out tasks without restriction and with space to vary working position?	
Is the work area free of clutter?	
Will the layout and positioning of equipment minimise the need to twist or bend?	
Will the most frequently used items be placed within easy reach e.g. keyboard, mouse, and notepad)?	
Will the keyboard be positioned for comfortable use (forearms horizontal, wrists flat?)	
Will there be enough room for you to place the keyboard directly in front of you to work with a space in front of it to rest your hands and wrists whilst not keying?	
Will the mouse be next to the keyboard, on the same level?	

Will there be sufficient room to ensure that the monitor will be positioned at least 64 cm (25") away from your face? (rule of thumb – 25" = an arm's length with fingers extended)	
Is the work area in a location where I will be able to work effectively and not be subject to distractions or demands from others	
Other: please identify here any other issues of concern or adjustments which should be considered	

Assessment undertaken by: (Name)
Date of assessment:	
Signed:	
Assessment passed to line manager:	
(Name), on (Date)	
Line Manager signature ³ :	

³ By signing this risk assessment, the line manager is confirming that he / she has discussed the risk assessment with the applicant and that the applicant has indicated that he /s he has taken remedial action in respect of any issues highlighted in the risk assessment.

Noted by Health and Safety Officer:	(Signature), date:
Notes (Individual or line manager to comment on the assessm	nent and any issues):

Appendix 2: Making an application to work flexibly, or to vary an existing flexible working arrangement

Employee: Consult Estyn's <u>Flexible Working Policy</u> and <u>Guidance on flexible working</u>. Consider the effect your request could have on salary, pension etc; colleagues; service delivery; and how those effects could be managed

If you decide you wish to make an application, complete the 'Application to work flexibly' form and send the completed form to your line manager

Next steps: please refer to the consideration process outlined below

Considering the application

Line manager: Acknowledge the application **within 5 working days** using the 'Acknowledgement of Receipt' section of the form. Refer to Estyn's <u>Flexible Working Policy</u> and <u>Guidance on flexible working</u>.

Line manager: Within 28 calendar days of receipt you should: discuss the application with the appropriate Strategic Director, Assistant Director, Human Resources and other colleagues (as appropriate) to consider the effect agreeing to the application would have; meet the employee to discuss the application and how the proposed flexible working arrangement would work in practice (if approved), seeking clarification where required; and then submit the application with a recommendation for approval to the ELG. It may be necessary to gain the employee's agreement to an extension to the timescales if further information is required to inform consideration of the request.

ELG: Consider request and recommendation from line manager. ELG decision noted on 'Application to work flexibly' form and returned to the line manager for communication to the employee

Line manager: Within 14 calendar days of the meeting with the employee (or agreed extension date whichever is later), notify the employee in writing of the decision on their application to work flexibly, copying the correspondence to the HR team.

Application approved in its entirety

Notification should include an agreed start date for the new arrangement and details of the trial period. Refer to paragraph 4.17 of the <u>policy</u> for information on trial periods for statutory requests.

Application declined

Notification should include details of why the application was declined and the process for making an appeal (see below)

Application agreed with modifications

Notification should include details of the modifications agreed with the employee. If the employee does not agree to modifications, the application must be either declined or approved in its entirety

Up to three month trial period to determine whether the flexible working arrangement is feasible.

Line manager: Within 10 working days from the end of the trial period, meet with the employee to discuss the trial and conclude whether the arrangement should be made permanent

Trial period is successful (line manager/applicant agree)

Line Manager: notifies HR

HR: issue a new statement of particulars reflecting the agreed flexible working arrangement and action permanent payroll changes

Trial period is unsuccessful (line manager and/or applicant determines)

Line Manager: notifies HR
Applicant: reverts to previous working arrangement with immediate effect

Applicant: You may **appeal** against the decision to your Strategic Director **within 14 calendar days** of notification (see paragraphs 4.27 – 4.30 of the policy for further details). Appeals will be considered by the Executive Board.

Appendix 3: Making an application to home work, or making changes to an existing home working agreement (e.g. moving home)

Employee: Consult Estyn's <u>Flexible Working Policy</u>, <u>guidance on home working</u> and <u>summary guidance</u> for staff. Consider the effect your request could have on service delivery, whether your post is suited to home working and if you are suited to home working.

If you decide you wish to make an application, complete the 'Application to work flexibly' form and the home working risk assessment and send them to your line manager. If your application is successful, HR will ask you to complete a home working agreement prior to the start of the trial period.

Next steps: please refer to the consideration process outlined below.

Considering the application

Line manager: Acknowledge the application within 5 working days using the 'Acknowledgement of Receipt' section of the form. Refer to Estyn's Flexible Working Policy, guidance on home working and summary guidance for managers and consider any issues identified in the risk assessment. Employee will need to address any issues before their application can be considered further.

Line manager: Within 28 calendar days of receipt you should: discuss the application with the appropriate Strategic Director, Assistant Director, Human Resources and other colleagues (as appropriate) to consider the effect agreeing to the application would have; meet the employee to discuss the application and how the proposed home working arrangement would work in practice (if approved), seeking clarification where required; and then submit the application with a recommendation for approval to the ELG. It may be necessary to gain the employee's agreement to an extension to the timescales if further information is required to inform consideration of the request.

ELG: Consider request and recommendation from line manager. ELG decision noted on 'Application to work flexibly' form and returned to the line manager for communication to the employee.

Line manager: Within 14 calendar days of the meeting with the employee (or agreed extension date whichever is later), notify the employee in writing of the decision on their application to homework, copying the correspondence to the HR team.

Application approved

Notification should include an agreed start date for the trial period (please allow at least 4 weeks' for the trial to begin).

NB Trial period cannot begin without a signed 'Home working Agreement'.

Application declined

Notification should include details of why the application was declined and the process for making an appeal (see below)

HR: within 5 working days of receiving confirmation of the manager's agreement to home working, issue 'Home working agreement' to applicant

Applicant: within 5 working days of receipt, sign 'Home working Agreement' and return to HR team, copying in your line manager

Line manager: authorises Office Services Team to provide equipment.

Applicant liaises with Office Services to arrange installation of equipment in their home. NB if moving house, the home worker is responsible for the safe removal of equipment and reinstallation of telephone lines etc

Up to a three month trial period to determine whether the home working arrangement is feasible.

Line manager: Within 10 working days from the end of the trial period, meet with the employee to discuss the trial and conclude whether the arrangement should be made permanent (see Section 5 of the <u>summary guidance</u> for managers).

Trial period is successful (line manager/applicant agree)

Line Manager: notifies HR

HR: issue a new statement of particulars reflecting the new office base

Trial period is unsuccessful (line manager and/or applicant determines)

Line Manager: notifies HR

Applicant: reverts to office-based working with immediate effect

Applicant: You may **appeal** against the decision to your Strategic Director **within 14 calendar days** of notification (see paragraphs 4.27 – 4.30 of the policy for further details). Appeals will be considered by the Executive Board.

HOME WORKING AGREEMENT

The agreement is to be completed by the home-worker.

This home-working agreement sets out Estyn's expectations of home-workers. For Estyn's part, Estyn will provide and maintain the appropriate equipment to enable home-working to be carried out effectively and support the home-worker to ensure he / she is not treated less favourably than office based workers.

Please tick the boxes to confirm you have carried out, or will carry out, the necessary actions described below. The home-working arrangement cannot be put in place until this form has been completed and signed.

The signed original of this home-working agreement should be sent to the Human Resources team.

Terms of agreement Acce		
I understand that for the first three months the home-working		
arrangement is on a trial basis and can be terminated if, in my the line		
manager's opinion, at anytime during the trial period (or anytime		
thereafter) one or more of the following statements applies:		
a. a business need arising from a change in the way a service		
is provided requires me to return to office based work to		
enable the service to be provided effectively and efficiently;		
b. there are changes in the personnel at Estyn's offices which		
do not enable the service to be provided effectively and		
efficiently from home;		
c. my performance has deteriorated as a result of home-		
working (or because of any other reason);		
d. I have abused the home-working arrangements;		
e. I am not coping with the challenges of home-working		
(working alone, professional and social isolation etc.);		
f. I continue to work regularly from one of Estyn's offices and		
that I would revert to office based working in such		
circumstances		
Circumstances		
I understand that subject to satisfactory completion of the trial period, the		
agreement will become permanent and my home-base will become my		
place of work and I understand I will not have a desk allocated for my		
exclusive use at one of Estyn's offices.		
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I understand that should my line manager determine that the trial period		
has not been successful I would immediately return to office based		
working		
I confirm that I have read and understand Estyn's home-working policy		
and the supporting guidance.		
I have completed a pre-home-working risk assessment and, as far as I		
reasonably can be expected to have done so, addressed any issues		
identified in it.		

I have informed my landlord / mortgage provider / building and home contents insurance companies / local authority / any other relevant agency or authority in writing of my intention to home-work and have not had any adverse reaction or response to this correspondence.	
I will maintain the home-working environment in such a way to ensure that I do not expose myself to any unreasonable health and safety risks.	
I agree to complete an annual health and safety risk assessment and to forward it to my line manager	
I will inform my line manager of changes to my home or personal circumstances, which could affect the health and safety of me or people in my household e.g. new and expectant mothers, moving house etc.	
I have been provided with the following equipment and agree to take reasonable steps to ensure it's safety and security: a. computer equipment (laptop, mouse, keyboard, VDU screen, printer, scanner and modem); b. appropriate business telephone line; c. telephone / fax / answer machine; d. mobile phone; e. lockable filing cabinet; f. shredder; g. chair	
I agree to inform my line manager of any material changes to security measures at my home.	
I accept that Estyn (or a contractor acting for Estyn) may exceptionally need to be given access to my home (with reasonable notice) to maintain the equipment provided, ensure a safe and healthy working environment or for some other reason. I agree to allow such reasonable access.	
I agree that I will be available to discuss work matters with my line manager, colleagues or other work-related callers at reasonable times during the working day by telephone, unless otherwise agreed with my line manager.	
I can confirm that any dependent care provision is adequate to enable me to home-work effectively	
I am aware of and understand my obligation to notify my manager when I am absent from work due to sickness, or for any other reason, and I will not work whilst I am unwell.	
I am aware of and understand the requirement to report any work-related accidents, injuries and illnesses or incidents / near misses whilst homeworking and the actions I am required to take in an emergency.	
I understand the need for, and agree to record the time spent working on particular tasks to aid planning and monitoring.	

In the event of home working ceasing, I will return Estyn's equipment to the nearest Estyn office within 10 working days of home-working ceasing.	
I agree that any equipment supplied by Estyn will be used exclusively for Estyn's official business and that I will take all reasonable care of it.	
I agree to abide by the terms of this agreement.	

Comments		
Name		

Name: Signed: Date:

Unions
Signed on behalf of Estyn's management:
Name: Meurig Chapple, Head of Branch: Organisational Policy, Planning and Development
Date:
Olamanian habali of Estania Tuadaa Halanaa
Signed on behalf of Estyn's Trades Unions:
Name:
Date:
Name: Date: