



# Estyn

*Rhagoriaeth i bawb ~ Excellence for all*

Arolygiaeth Ei Mawrhydi dros Addysg  
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate  
for Education and Training in Wales

## **FLEXIBLE WORKING POLICY**

**Version control**

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Version 1.3	Jenny Wagner	September 2014	Updated to reflect Flexible Working Regulations 2014 – statutory right to request extended to all employees

**This policy and its associated procedures are agreed by Estyn’s management and Trades Unions**

**Information box**

For further advice contact: Human Resources Team

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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).

1.3 In order to ensure that there is a transparent, consistent process for making and considering applications to work flexibly, all applications will be considered in a reasonable manner in line with this policy and procedure. Requests should be dealt with within three months of receiving the request, including any appeal. The procedure for making and considering applications is set out in Section 4 of this policy.

1.4 This policy is signed by both Estyn and trades unions, it is effective from the date of issue (see Version control box on Information page).

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 Flexible working requests will be considered in the order they are received. Each case will be considered on its merits looking at the business case. No one type of request, person or group should be given priority over another.

1.9 If Estyn is unable to approve a request because any further flexible working arrangements will impact adversely on the business we may consider calling for volunteers from existing flexible working employees to change their contracts thereby creating capacity for granting new requests to work flexibly.

### **Retirement age**

1.10 Estyn does not set a default retirement age for any of its employees and is committed to having a flexible approach to retirement. The approach of not setting any

formal retirement age meets the requirements of the Employment Equality (Age) Regulations 2006 and is part of Estyn's strategy of creating a positive and inclusive working environment that is free from any form of discrimination or harassment. Guidance on partial retirement can be found in Appendix 5

1.11 The document, [Guidance on flexible working](#) 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, separate guidance addressing homeworking issues has been prepared (and can be found [Guidance on homeworking](#)). 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.

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

### **Working from home on an exceptional basis**

1.13 When it is more efficient to do so, staff who are office-based 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 is the Estyn office, or when there is major disruption to travel such as that caused by severe weather. In such circumstances, it might be more efficient for the employee to work from home for part or whole of the day than to travel on to Estyn's office. 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 fully satisfactorily in their most recent performance 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 to secondees; the working pattern and arrangements for secondees will be determined between the individual secondee and Estyn as part of the agreement of the secondment

### **Section 3: The legal framework**

3.1 All employees have the right to apply to work flexibly under the Employment Rights Act 1996 and subsequent legislation and regulations, including the Children and Families Act 2014. No employee has 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.

#### **On what grounds can applications be declined?**

3.2 Applications to work flexibly can only be declined on one or more of the following business grounds (which are taken directly from the relevant legislation),:

- 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 insufficient 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**

3.3 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

3.4 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 should discuss his/her intention to apply to work flexibly, or to vary an existing flexible working arrangement, with his/her line manager prior to submitting the 'Application to work flexibly' form. Discussions should help to clarify the information required to complete the application form and should help to achieve a timely decision on the application. The applicant should provide the following information:

- 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. a proposed start date for the flexible working pattern to begin on, providing sufficient time to enable line managers to consider the proposal and implement it (if possible not less than 3 months);
- f. whether or not a previous application has been made to work flexibly, and if so the date of the previous application;
- g. a completed pre-homeworking risk assessment to be found at Appendix 1 (if the flexibility being requested is by a member of staff for whom homeworking is not the default arrangement).

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 home-working, 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 Lead Officer for Health and Safety, 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 which can be provided consistently and effectively during the working week.

4.5 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**

4.6 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 additional costs would be 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 Estyn 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 and safely in a home-working arrangement.

## **Process for taking applications forward**

4.7 The flowchart at Appendix 2 illustrates the process for making and considering applications to work flexibly.

4.8 Your line manager should acknowledge receipt of the application within five calendar days . Within 14 calendar days of receipt of the application, the line manager must consult appropriately, including holding further discussions with the applicant, as might be necessary.

4.9 Within the 14 days' time limit for considering an application, the line manager should consult the appropriate the Human Resources team and other appropriate colleagues in order to establish what effects agreeing to the change might have. Whilst the application may be discussed, the reasons for an application should not be divulged without the applicant's prior agreement in writing.

## **Discussion of application**

4.10 After consulting as appropriate, the line manager should arrange to discuss the application with the applicant to:

- i. seek clarification on any points that remain unclear;
- ii. clarify the impact on the individual's current and prospective role/s and duties;
- iii. explore any possible modifications to the application;
- iv. agree an extension to the timetable (see paragraph 4.13) for considering the application whilst the further information is obtained, if necessary;

- v. talk about how the flexibility requested in the application would work if it was approved, and:
- vi. agree the form to be submitted to Executive Board - and whether any agreed changes should be subject to a trial period before the arrangements are finally approved or declined (see paragraph 4.18 for the purpose of the trial period.)

4.11 Within the 14 days' time limit the line manager must complete their section of the application form and submit the application to Executive Board for a decision. The line manager will normally be expected to attend any Executive Board discussion of the application. 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 application, and whether final confirmation of an application will be subject to satisfactory completion of a trial period. 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.

4.12 The applicant has the right to be accompanied at a meeting/discussion to discuss the request by a fellow work colleague or trade union officer.

4.13 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 4.25 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.

4.14 If the line manager arranges a meeting to discuss the application and the employee fails to attend both this and a rearranged meeting without a good reason, Estyn will consider that the employee's application is withdrawn and inform the employee of this in writing.

### **Notification of decision on application to work flexibly**

4.15 Within 24 calendar days of the application having been received by the HR team, or any later date agreed with the applicant, the line manager will inform the employee in writing of the decision on the application to work flexibly, copying the correspondence to the HR team. This notification will either:

- a. approve the request in its entirety and establish a start date and any other action; or
- b. approve the request subject to the applicants agreement to modifications (including a trial period), or
- c. decline the application setting out clear business reasons for the rejection together with notification of the appeals process (see paragraph 4.29).

4.16 The line manager will discuss with the employee how and when any changes might best be implemented or to explain the business reasons if the request is declined and inform the employee of their right to appeal.

4.17 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 home-working agreement to the line manager who will then give authority to the Office Services team to provide the appropriate equipment (see *Guidance on home-working* for details of equipment that may be provided).

### **Trial period**

4.18 In instances where management is unsure whether the arrangements requested are sustainable, agreeing flexible working arrangements for a temporary or trial period may be beneficial. If the employee does not agree to a trial period, a decision will be made whether to agree the application without a trial period or to turn it down.

4.19 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 give 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.

4.20 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 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 working flexibly (or any other reason);
- c. the flexible working arrangements have not been abused by the employee.

4.21 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.

4.22 Within ten working days of the end of the trial period, the employee and line 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. The line manager will be responsible for providing a briefing to the Director's Group. If, in the Director's Group judgement, the trial period has been successful, the Human Resources team will be instructed to issue the employee with a new employment contract which confirms the new flexible working arrangement. The change in working arrangement will be permanent.

4.23 If, in the Directors' Group judgement, the flexible working arrangement is not working effectively due to one or more of the reasons in paragraph 4.20 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. Before the arrangement is terminated the line manager should discuss the matter with the Human Resources team.

4.24 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 4.29.

### **Medical evidence**

4.25 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 provider.

4.26 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.

4.27 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 and Executive Board to help consideration of the application.

4.28 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**

4.29 If an employee wishes to appeal against a decision to turn down an application to work flexibly, they 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 their application to work flexibly one day after an e-mail was sent to him / her containing the outcome of the application.

4.30 Appeals should be made to the Chief Inspector. The 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 one of Estyn's Non-Executive Directors.

4.31 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. The employee can

be accompanied to the discussion/meeting with the Appeals Officer by a colleague or a Trade Union representative.

4.32 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: Grounds for terminating a flexible working arrangement**

5.1 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 their previous working arrangement, or 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 under the flexible working arrangement;
- 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 their performance;
- d. the flexible working arrangements have been abused by the employee;
- e. (for a home-worker) the employee is not coping with the challenges of home-working (working alone, professional and social isolation etc.); and / or
- f. (for a home worker) the employee is continuing to work regularly from the Estyn office when undertaking their day-to-day activities.

5.2 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. The decision to terminate an arrangement should only be taken after the line manager and the employee have discussed the revised business need.

5.3 If during the trial period 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.

5.4 If the flexible working arrangement is being terminated because the employee is not performing satisfactorily, such action should only be taken after they have been given the opportunity to improve their performance following a three month review period where he / she is supported by their line manager. 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.

5.5 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. Depending on the nature of the “abuse”, the employee may also be subject to disciplinary action.

5.6 When (including at or before the end of the trial period) line managers give 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 ensure that appropriate payroll adjustments are implemented. The employee can appeal against the decision not to confirm the flexible working arrangement, following the process as set out in paragraph 4.29.

## **Section 6: Applications to vary a flexible working arrangement**

6.1 Subject to satisfactory completion of a trial period (where applicable), 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.

6.3 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.



## 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 taking place:			
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 you 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<sup>1</sup>:** .....

**Noted by Health and Safety Officer:** ..... **(Signature), date:** .....

**Notes** (Individual or line manager to comment on the assessment and any issues):

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<sup>1</sup> 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.

## Appendix 2: Making and considering an application to work flexibly

**Employee:** Consult Estyn's Flexible Working Policy and [Guidance on flexible working](#). 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, please discuss with your line manager before completing the [Flexible working application form](#). Once completed, send the 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 calendar days** using the 'Acknowledgement of Receipt' section of the form. Refer to Estyn's [Flexible working policy](#) and [Guidance on flexible working](#).

**Line manager: Within 10 calendar days of receipt** you should: discuss the application with Human Resources and other colleagues (as appropriate) to consider the effect agreeing to the application would have; hold further discussions with the applicant, as may be required to clarify how the proposed flexible working arrangement would work in practice (if approved); and then submit the application with comments to the EB. It may be necessary to gain the employee's agreement to an extension to the timescales to allow further information to be gathered to inform consideration of the request.

**EB:** Consider request **within 14 calendar days** of receiving application from line manager. EB decision noted on 'Application to work flexibly' form and returned to the line manager for communication to the employee.

**Line manager: Within 4 calendar days** of the EB decision, notify the employee in writing of the decision on their application to work flexibly and offer them the opportunity to discuss the decision, 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, where applicable. Refer to paragraph 4.18 of the [policy](#) for information on trial periods.

#### 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

**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 pending any appeal

**Applicant:** You may **appeal** against the EB decision and/or trial period evaluation to HMCI **within 14 calendar days** of notification (see paragraphs 4.29 – 4.32 of the [policy](#) for further details). Appeals will usually be considered by HMCI in conjunction with an Estyn Non-Executive Director.

### **Appendix 3: Application Form**

The flexible working application form can be found [here](#)

## Appendix 4

### 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	Accepted
<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>c. my performance has deteriorated as a result of home-working (or because of any other reason);</li> <li>d. I have abused the home-working arrangements;</li> <li>e. I am not coping with the challenges of home-working (working alone, professional and social isolation etc.);</li> <li>f. I continue to work regularly from one of Estyn's offices and that I would revert to office based working in such circumstances</li> </ul>	<input type="checkbox"/>
<p>I confirm that I have read and understand Estyn's home-working policy and the supporting guidance.</p>	<input type="checkbox"/>
<p>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.</p>	<input type="checkbox"/>
<p>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.</p>	<input type="checkbox"/>
<p>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.</p>	<input type="checkbox"/>
<p>I agree to complete an annual health and safety risk assessment,</p>	<input type="checkbox"/>

including an online DSE 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: <ul style="list-style-type: none"> <li>a. computer equipment (laptop, mouse, keyboard, VDU screen, printer, scanner and modem and, if relevant, the appropriate DSE equipment);</li> <li>b. appropriate business telephone line;</li> <li>c. telephone / fax / answer machine;</li> <li>d. mobile phone;</li> <li>e. lockable filing cabinet;</li> <li>f. shredder;</li> <li>g. chair</li> </ul>	
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 home-working 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 understand that in order to work effectively as a home-worker I will need to demonstrate to my line manager that I can: <ol style="list-style-type: none"> <li>1. complete work using initiative and established guidelines to achieve agreed outputs;</li> </ol>	



<ol style="list-style-type: none"> <li>2. cope with the relative social and professional isolation of home-working and be self-reliant;</li> <li>3. motivate myself and have sufficient self direction to meet deadlines;</li> <li>4. manage my time effectively;</li> <li>5. keep up-to-date with developments in Estyn through use of Work Matters, use of SharePoint Intranet and Internet facilities, including minutes of meeting, action logs, etc; and</li> <li>6. raise any issues or concerns that I might have regarding the above with my line manager at the earliest opportunity.</li> </ol>	
<p>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.</p>	
<p>I agree to abide by the terms of this agreement.</p>	

<p><b>Comments</b></p>
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**Name:**  
**Signed:**  
**Date:**

## Appendix 5

### Partial retirement

#### What is partial retirement?

1. Subject to Estyn's approval of any application to partially retire, the rules relating to partial retirement allow you to:
  - a. apply to move gradually from work to retirement by reshaping your job; and
  - b. take some or all of your pension whilst you continue working if your application is approved.
2. Partial retirement isn't restricted to people over the minimum pension payment age, but it is unlikely to be attractive to people who are much younger than age 60 for Classic, Classic Plus and Premium pension schemes members and age 65 for members of the Nuvos pension scheme. Superannuation benefits taken before normal pension payment age will be actuarially reduced on a permanent basis to reflect the early payment of benefits.
3. Partnership pension holders can choose to buy a pension with their **partnership** pension account 'pot' at any time after age 55 while they are still working whether they reshape their job or not.

#### Criteria for qualifying for partial retirement

4. In order to qualify for payment of pension whilst remaining in work, your pay would have to be reduced by at least 20%. This reduction can be effected by working fewer hours or moving to a job in a lower grade.
5. If you were interested in applying for partial retirement, you should consider the guidance relating to partial retirement available in the publications section on the [Civil Service website](#) carefully and, if serious about applying for partial retirement, engage in an informal discussion with your line manager at an early stage.
6. In considering an application for partial retirement, Estyn would take into account the business needs including the staffing capacity required to deliver an inspection programme in any particular sector; the effect somebody working few hours would have on other staff in Estyn; and the effect agreeing to a change in the number of hours worked, or a move to a lower grade, would have on the effectiveness and efficiency of the organisation.

#### How to apply for partial retirement

7. Before making an application for partial retirement, you should ensure that you understand the effect working fewer hours / in a lower grade would have:
  - a. on the pension you would receive should your application be approved. To do this, you should utilise the information contained in the pension benefits statement you receive each year from the pension scheme administrators and the Partial Retirement calculator on the [Civil Service website](#); and
  - b. understand the effect on salary so that you are fully informed of the financial implications of partial retirement (see paragraph 9).
8. Once you have obtained that information, the process for applying for partial retirement is the same as that for applying for any flexible working option as set out in this policy. If your application is approved, you should complete an [Application form for partial retirement -](#)

[CSP15](#) form and submit it to Human Resources. The HR team are unable to process the CSP15 form until confirmation is received from the Executive Board that the flexible working request has been approved.

#### Salary after partial retirement

9. Gross salary following a successful application to partially retire will be proportionate to the number of hours worked. For example, if your application to work 75% of full time hours is approved, your gross salary would be 75% of the equivalent salary you would receive if you worked full time. If you moved to a lower grade, your salary would reflect the pay arrangements for that grade.