



Catholic Schools Office Diocese of Lismore

FLEXIBLE WORKINGS ARRANGEMENTS STANDARD OPERATING PROCEDURE

SOP Number:	FWASOP04:02
Status:	Current
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SOP Contact Officer:	Assistant Director - School Resources Services
Related Documentation:	Catholic Education in the Diocese of Lismore Foundational Values for Catholic Identity and Mission Job-Share Standard Operating Procedure Discrimination, Harassment and Bullying in the Workplace Policy Discrimination, Harassment and Bullying in the Workplace Standard Operating Procedure Flexible Working Arrangements Fact Sheet <i>Anti-Discrimination Act 1977 (NSW)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Carer Recognition Act 2010 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i>

Supporting Forms and Templates

- I. Request for Flexible Working Arrangements Form.
- II. Flexible Working Arrangement Template Letters:
 - Acknowledgement of Request for Flexible Working Arrangements;
 - Approval of Flexible Working Arrangement;
 - Refusal of Flexible Working Arrangement.
- III. Flexible Working Arrangement Agreement Template.

RATIONALE

This Standard Operating Procedure provides guidance to all staff on the procedure for the request and approval of flexible working arrangements.

The CSO is committed to supporting staff to balance their work, personal and family needs. Each request for flexible working arrangements will be considered on its individual merits, in conjunction with operational requirements, and will be responded to, in writing, within 21 days.

SCOPE

This Standard Operating Procedure applies to all employees in Catholic schools, the Catholic Schools Office and any related entities under the administration of the Catholic Schools Office, Diocese of Lismore.

1. DEFINITIONS

- 1.1 **Carer** means an individual who provides personal care, support and assistance to another individual who needs that care because the other individual has a disability, has a medical condition (including a terminal or chronic illness), has a mental illness or is frail and aged.
- 1.2 **Flexible Working Arrangement** means a variation of working hours or working arrangements that is within the terms of the relevant industrial agreement and which meets the needs of the individual staff member and the school/CSO. Flexible working arrangements can include, but are not limited to, changes to start/finish times, patterns of work, location of work or a temporary reduction in working hours.
- 1.3 **Immediate family** means a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the staff member, or the child, parent, grandparent or sibling of a staff member's de facto partner or spouse.

2. ELIGIBILITY

- 2.1 All permanent staff members are entitled to request flexible working arrangements, if they have completed a minimum of 12 months of continuous service, and in the following circumstances:
 - I. The staff member is a parent and/or has responsibility for the care of a child, and the child is school aged or younger;
 - II. The staff member is a carer (within the meaning of the Carer Recognition Act 2010 (Cth));
 - III. The staff member has a disability;
 - IV. The staff member is 55 or older;
 - V. The staff member is experiencing violence from a member of their family; or
 - VI. The staff member is required to provide care or support to a member of their immediate family, or a member of their household, who requires care or support, because they are experiencing violence from a member of their family.

- 2.2 Casual staff members can request flexible working arrangements in the above circumstances, if they have been a long term casual employee immediately prior to making the request and if they have a reasonable expectation of continuing employment on a regular and systematic basis.

3. REFUSAL ON REASONABLE BUSINESS GROUNDS

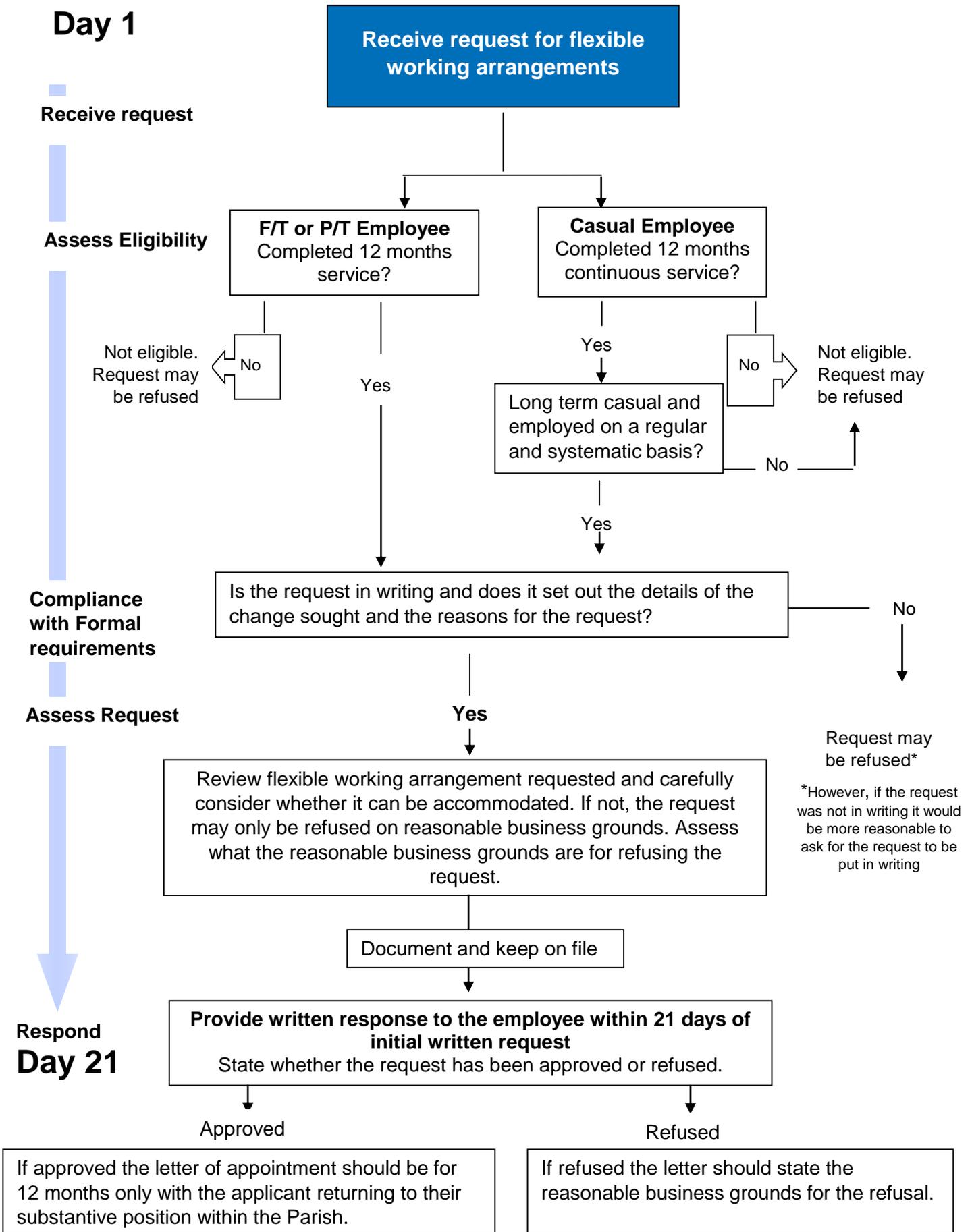
- 3.1 The Fair Work Act now sets out a non-exhaustive list of factors that could be taken into account when determining whether there are reasonable business grounds for refusing a request for a flexible work arrangement. Before refusing a request based on reasonable business grounds Principals should explore and consider whether the request can be partly accommodated or if other options might be possible that meet the needs of both parties.
- 3.2 Reasonable business grounds include:
- I. New working arrangements are too costly for the employer;
 - II. There is no capacity to change the working arrangements of other employees to accommodate the requested new working arrangements;
 - III. It is impractical to change the working arrangements of other employees, or recruit new employees to accommodate the request; or
 - IV. The new working arrangements would be likely to result in a significant loss to efficiency or productivity, or significant negative impact on customer service

4. PROCESS

- 4.1 Requests for flexible working arrangements must be made in writing to the Principal or supervisor using the 'Request for Flexible Working Arrangements Form'.
- 4.2 To allow Principals appropriate time to consider flexible working arrangements requests and to take into consideration staffing needs for the following year, it is preferred that staff in secondary schools apply on 1 August of the preceding year they wish to request a flexible working arrangement and staff in primary schools apply on 1 September of the preceding year they wish to request a flexible working arrangement.
- 4.3 Notwithstanding the above, staff are encouraged to talk with their Principal prior to applying for a flexible working arrangement for the purposes of openness and clarity.
- 4.4 Requests for flexible working arrangements will be assessed by the Principal/supervisor.
- 4.5 The Principal/supervisor is able to decline a request for flexible working arrangements if that request does not meet the operational requirements of the school or CSO. Approval will depend on balancing the operational requirements of the school with increased flexibility for the staff member.
- 4.6 Should the request for flexible working arrangements be declined in the first instance, the Principal/supervisor and the staff member should have a discussion to see if an appropriate compromise can be reached.

- 4.7 The decision on whether or not to approve flexible working arrangements will be communicated to the staff member in writing within 21 days.
- 4.8 Approved flexible working arrangements will be approved for a maximum period of 12 months at which time the arrangement will need to be renegotiated or concluded.
- 4.9 The flexible working arrangement will need to be reviewed on regular basis to ensure that it is operating in the manner intended and meeting the needs of the staff member as well as the operational requirements of the school or CSO.
- 4.10 An employee wishing to continue their approved flexible working arrangement must reapply each year in accordance with this procedure.
- 4.11 An employee on an approved flexible working arrangement is required to return to their substantive position within the parish at the conclusion of the flexible working arrangement.
- 4.12 Every effort will be made to return the employee to their substantive position within the parish however this may not be guaranteed based on operational reasons that prevail at the time of the employee's return.
- 4.13 Where a staff member is participating in a flexible working arrangement, leave entitlements will accrue and be paid on a pro-rata basis, as appropriate.
- 4.14 Either party may initiate, in writing, the termination of the flexible working arrangement with no less than 4 weeks' notice.
- 4.15 Should the staff member be unhappy with the final decision, an appeal can be lodged in accordance with Clause 44 Dispute Resolution Procedures of the NSW and ACT Catholic Systemic Schools Enterprise Agreement.

Day 1



To be placed on School Letterhead

Private and Confidential

[insert date]

[insert name and address]

Subject: Acknowledgement of Receipt of Request for Flexible Working Arrangement

Dear [Employee Name] ,

I confirm that I received your request for flexible working arrangements on [insert date] under the eligibility criteria of [insert eligibility criteria (eg. a parent responsible for a school age child)].

If required, I will arrange a meeting to discuss your request and you may wish to consider whether you would like a colleague to accompany you if that is the case.

You will receive a written reply to the request within 21 days of the above date.

Please contact me on [insert phone number] if you have any queries.

Kind regards

[Name]

[Position]

To be placed on School Letterhead

Private and Confidential

[insert date]

[insert name and address]

Subject: **Request for Flexible Working Arrangements granted**

Dear [employee's name],

Thank you for your request dated [insert date] under the eligibility criteria of [insert eligibility criteria (eg. a parent responsible for a school age child)].

I am pleased to advise you that your request for flexible working arrangements in accordance with the terms of the "Request for Flexible Working Arrangements Form" completed by you (the 'Request') is granted. A copy of your completed form is Attachment A to this letter.

Optional if request only granted or another arrangement was agreed: I am pleased to advise you that, while it was unable to grant your original request for flexible working arrangements as outlined in the Request for Flexible Working Arrangements form, we are able to accommodate the agreed change to your working arrangements as follows:

Your new working arrangements will be [insert hours] per week to be worked as follows [insert the days to be worked, starting and finishing times, location (if relevant) etc].

Optional inclusion if salary is reduced as a consequence of the change: In your request you asked to reduce the number of [insert hours/days] you work each week. This will necessarily reduce your remuneration. Your new remuneration will therefore be [insert amount].

The new arrangements will commence on [insert date] and cease on [insert date].

All your other terms and conditions of employment will remain exactly the same, save for your hours of work and remuneration as set out above.

We propose to monitor this arrangement and work with you to deal with any issues that may arise in the early days of its implementation. As per the Flexible Working Arrangements Standard Operating Procedures document you are required to return to your substantive position within the parish at the date agreed in this letter. Any request by you to extend the arrangement or end it earlier than the date specified in this letter will be considered in line with organisational needs and cannot be guaranteed.

Kind regards

[Name]

[Position]

To be placed on School Letterhead

Private and Confidential

[insert date]

[insert name and address]

Subject: Request for Flexible Working Arrangement Refusal

Dear [insert employee's name],

Thank you for your request dated [insert date] under the eligibility criteria of [insert eligibility criteria (eg. a parent responsible for a school age child)].

I have carefully considered your request to change your working arrangements and the reasons for this change.

Unfortunately, [insert school name] is unable to accommodate your request for the following reasons:

- [insert reasons for refusal – these must be based on reasonable business grounds] *(to be discussed with the Assistant Director School Resources Services or the Human Resources Officer at the CSO prior to finalisation with the employee).*

Accordingly, your working hours and terms and conditions of employment will remain unchanged.

Please let me know if you have any queries.

Kind regards

[Name]

[Position]

SCHOOL LETTERHEAD

FLEXIBLE WORKING ARRANGEMENT

Between <Employer Name> (the Employer - Parish School)

And <Employee Name> (the Employee)

Dear <first name of employee>,

1. On behalf of Fr <Parish Priest> and our Parish community, I am pleased to approve your request to take leave from your FULL TIME PERMANENT position from <start date> to <end date>.
2. During this period you will be employed <hrs per week / 0.__FTE> in a PART TIME TEMPORARY Flexible Working capacity.
3. This Flexible Working Arrangement is granted under the eligibility criteria of [insert eligibility criteria (eg. a parent responsible for a school age child)].
4. You will be covered by the Enterprise Agreement which sets out your minimum terms and conditions of employment.
5. Your request for flexible working arrangements and to vary your hours as detailed in clause 1 & 2 above is as agreed.
6. Your remuneration will be pro-rated accordingly and it is agreed that the flexible working arrangements set out in this document will initially be for a period of not more than 12 months commencing on <INSERT DATE> and ceasing on <INSERT DATE>.
7. It is further agreed that either party may review the arrangement and deal with any issues that may arise in the early days of implementation.
8. It is acknowledged and understood by both parties that you are better off under this Flexible Working Arrangement because you requested to vary your hours of work.
9. You warrant that you have not been induced or coerced to vary your hours of work and that you requested to vary your hours of work.
10. The provisions of this arrangement will commence to operate from the date that this document is signed, or the date in clause 6 above whichever is the latter.
11. You will retain your substantive position within the Parish, this includes the possibility of a split-appointment to two or more schools.
12. Should you wish to alter the agreed return date as set out in clause 6 above, you agree to do so in writing to the principal. A shorter notice to return may be considered by your Principal. Should you wish to extend your Flexible Working Arrangements you will be required to reapply via the Flexible Working Arrangements, Standard Operating Procedures document by 1 August for staff in secondary schools and 1 September for staff in primary schools of the year preceding the request. Any extension of the arrangement cannot be guaranteed.
13. Three copies of this document are enclosed. Please sign and return two of these to indicate acceptance of the Flexible Working Arrangement.

DATE: <Insert date>

SIGNED by the **Employee**

Witness

SIGNED by the **Employer**

CC:Payroll

Application Form – Request for Flexible Working Arrangements

INSTRUCTIONS ON HOW TO COMPLETE THE FORM

Who can use this form?

Eligible employees can use this form to make an application for flexible working arrangements.

Submit your request well in advance of the proposed commencement date

Please note it may take up to 21 days to consider a request for flexible working arrangements and then more time before it can be implemented, particularly where difficulties arise. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect. It is preferred that staff in secondary schools apply on 1 August of the preceding year they wish to request a flexible working arrangement and staff in primary schools apply on 1 September of the preceding year they wish to request a flexible working arrangement.

Provide as much information as you can about your desired working pattern

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions. Think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your employer (keep a copy for your own records).

The process and timeframes

The employer must give employees a written response to the request within 21 days, stating whether they grant or refuse the request. Employers may refuse the request only on reasonable business grounds. If the employer refuses the request, the written response must include the reasons for refusal.

Your Employer may contact you in advance of the reply date to arrange a meeting with you to discuss your request.

Application process

1. Please fill out the requested details on the form over the page – Attachment A.
2. Once completed, please provide a copy to your employer.

Attachment A

Request for Flexible Working Arrangements Form	
Personal Details	
Name:	
Position:	
I would like to submit a request for flexible working arrangements that differ from my current working arrangements in accordance with section 65 of the <i>Fair Work Act 2009</i> . I confirm that I meet the eligibility criteria as outlined below:	
Eligibility criteria (please tick the relevant criterion):	
<i>At the time of making this request I am:</i>	
<input type="checkbox"/>	A full-time or part-time employee who has completed at least 12 months continuous service with [<i>insert employer name</i>]
<input type="checkbox"/>	A long term casual (employed on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months) and I have a reasonable expectation of continuing employment on a regular and systematic basis
<i>One of the following circumstances applies to me and is the reason for me making the request for flexible working arrangements (please tick the relevant criterion):</i>	
<input type="checkbox"/>	I am the parent, or have responsibility for the care, of a child who is of school age or younger
<input type="checkbox"/>	I am a carer (within the meaning of the <i>Carer Recognition Act 2010</i>)
<input type="checkbox"/>	I have a disability
<input type="checkbox"/>	I am aged 55 or older
<input type="checkbox"/>	I am experiencing violence from a member of my family
<input type="checkbox"/>	I provide care or support to a member of my immediate family, or a member of my household, who requires care or support because the member is experiencing violence from the member's family
Please confirm your current working arrangement (days/hours per week, start/finishing times etc)	
Please describe the working arrangement you are requesting to work in the future:	

<p>From what date do you wish commence this working pattern:</p>	
<p>From what date did you wish to cease this working pattern: (In the Diocese of Lismore all requests are limited to a period of 12 months duration. Applicants must reapply if they wish to continue their flexible working arrangements)</p>	
<p>Please outline your reasons for the request:</p>	
<p>Please outline the impact you think the request will have on your employer and colleagues:</p>	
<p>Please outline how you believe the impact may be dealt with or mitigated:</p>	
<p>Signature:</p>	
<p>Date:</p>	

Once completed, please forward this request form to [*insert name of relevant delegate responsible for assessing the application*]

VERSION HISTORY

Version	Approval Date	Authorised By	Notes
1	2012	Assistant Director – School Resources Services	Originally released
2	2013	Assistant Director – School Resources Services	Reviewed
3	2017	Assistant Director – School Resources Services	Reviewed; reformatted
4	2018	Assistant Director – School Resources Services	Reviewed; amended