Catholic Schools Office
Diocese of Lismore

FLEXIBLE WORKING ARRANGEMENTS
Standard Operating Procedures

Status: FWASOP1:0
Date Issued: 2013
Evaluation and Review: December 2014
Supporting Documentation: Anti-Discrimination Act (NSW)
Fair Work Act 2009 (Cth)
National Employment Standards
# Flexible Working Arrangements Guidelines

## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Flexible working arrangements guidelines for managers</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>- Overview</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Eligibility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Reasonable Grounds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Flow chart</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Template documents for <strong>Employers:</strong></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>- Acknowledgement of receipt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Request granted – same number of hours per week</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Request granted – reduced number of hours per week</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Request refused</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Documents for <strong>Employees:</strong></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>- Employee eligibility self-assessment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Application form – Request for flexible working arrangements</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 1 - Flexible Working Arrangements Guidelines

Overview:

From 1 January 2010, 10 National Employment Standards were introduced and apply to all Catholic (and most other) employers. One of the standards provides eligible employees with the right to request flexible working arrangements.

The Anti-Discrimination Act (NSW), has provided that employers may not discriminate against employees on the basis of carer’s responsibilities, unless the employee requires arrangements that would cause unjustifiable hardship to the employer.

The flow chart on the following page provides a brief overview of the key steps and timeframe for managing requests for flexible working arrangements under the *Fair Work Act 2009* (Cth).

Eligibility:

Employees who have completed 12 months continuous employment and are a parent, or have responsibility for the care, of a child under school age (or under 18 if they have a disability) may request a change to their working arrangements to assist them to care for the child.

Conditions:

An employee of the Diocese of Lismore who is granted Flexible Working Arrangements must give the employer two (2) years notice of their intention to return to their full time position. If any one employer (school) is unable to offer the employee the full time position, their full time load may be spread across a number of schools in the parish in agreement with the Parish Priest and other School Principals, within reasonable travelling distance, upon their return.

Reasonable business grounds:

If a request cannot be accommodated, an employer may refuse on ‘reasonable business grounds’. Such grounds could include:

- burden of additional costs;
- lack of adequate replacement staff;
- loss of efficiency;
- impact on customer/client service; and
- inability to recruit additional staff

Return to Substantive Position:

An employee granted flexible working arrangements is required to return to their substantive position at the date agreed with the employer. Any variation of this agreement requires two years notice. The substantive position is defined as that position of employment duties and responsibilities (with minor changes accepted) that existed at the commencement of flexible working. Every effort will be made to return the employee to their substantive school however this may not be guaranteed based on operational reasons that prevail at the time of the employees return to the school.
Receive request for flexible working arrangements

- **F/T or P/T Employee**
  - Completed 12 months service?
    - Yes
      - **Casual Employee**
        - Completed 12 months continuous service?
          - No
            - Not eligible. Request may be refused
          - Yes
            - **Long term casual and employed on a regular and systematic basis?**
              - Yes
                - Is the request in writing and does it set out the details of the change sought and the reasons for the request?
                  - No
                    - Request may be refused*
                  - Yes
                    - Review flexible working arrangement requested and carefully consider whether it can be accommodated. If not, the request may only be refused on reasonable business grounds. Assess what the reasonable business grounds are for refusing the request.
                      - Document and keep on file
            - No
              - Not eligible. Request may be refused

- **Not eligible. Request may be refused**

*However, if the request was not in writing it would be more reasonable to ask for the request to be put in writing

**Provide written response to the employee within 21 days of initial written request**
State whether the request has been accepted or refused. If refused, provide the reasonable business grounds for the refusal.
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.

You will receive a written reply to the request within 21 days of the above date. In the meantime, I will arrange a meeting to discuss your request and you may wish to consider whether you would like a colleague to accompany you to that meeting.

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

Kind regards,

Name  
Position
INDIVIDUAL FLEXIBLE AGREEMENT

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. You will be covered by the Enterprise Agreement which sets out your minimum terms and conditions of employment.

4. Your request for flexible working arrangements and to vary your hours as detailed in clause 1 & 2 above is as agreed.

5. Your remuneration will be pro-rated accordingly and it is agreed that the flexible working arrangements set out in this Agreement will commence on <INSERT DATE> and cease on <INSERT DATE>.

6. 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.

7. It is acknowledged and understood by both parties that you are better off under this Individual Flexible Agreement because you requested to vary your hours of work.

8. 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.

9. The provisions of this arrangement will commence to operate from the date that this Agreement is signed, or the date in clause 5 above whichever is the latter.

10. You will retain your substantive position in the Parish, this includes the possibility of a split-appointment to two or more schools.

11. Should you wish to alter the agreed return date as set out in clause 5 above, you agree to provide two years notice to return to your substantive position. 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 provide no less than two school terms notice. Any variations to this Agreement must be approved in consultation with the Principal.

12. Three copies of the Agreement are enclosed. Please sign and return two of these to indicate acceptance of the Flexible Working Agreement.

DATE: <Insert date>

_______________________________
SIGNED by the Employee

Witness

_______________________________
SIGNED by the Employer

CC:Payroll
To be placed on School Letterhead

Private and Confidential

insert date

Name and Address

Subject: Request for Flexible Working Arrangements granted

Dear Employee Name

Thank you for your request dated insert date.

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.

In your request you asked to reduce the number of hours you work each week. This will necessarily reduce your Wage / Salary on a pro-rated basis.

Your new hours of work will be insert total number of hours per week to be worked as follows insert the days to be worked along with the starting and finishing times

Your new hours of work 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 and attachment B.

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. Should you choose to vary or alter the agreed return date you will required to provide two years notice to return to your substantive position. Note further that your return to a substantive position is not limited to our School and may for operational reasons require deployment to another Parish School on your return.

Kind regards

Name
Position
To be placed on School Letterhead

Private and Confidential

insert date

Name and Address

Subject: Request for Flexible Working Arrangement Refusal

Dear Employee Name

Thank you for your request dated insert date

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

Unfortunately, School Name is unable to accommodate your request for the following reasons:

• insert reasons for refusal
  [to be discussed with the Assistant Director School Resources Services of 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
Positions
## 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 (see notes to assess eligibility).

### Submit your request well in advance of the proposed commencement date

You should note that it may take up to 21 days to consider a request 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.

### 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. When completing sections 3 and 4, 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

**Your Employer** must give you a written reply within 21 days of receiving your request (the reply date).

a) It must state whether the request is granted or refused.

b) If the request is refused the written response will include details of the reasons for the refusal.

**Your Employer** may contact you in advance of the reply date to arrange a meeting with you to discuss your request. If granted, the new arrangement will normally constitute an ongoing change. Sometimes a trial period or a fixed term may be agreed.

### 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**.
To: Name, Position and School Name

I would like to submit a request for flexible working arrangements that are different to my current working pattern, in accordance with section 65 of the *Fair Work Act 2009* (Cth). I confirm that I meet each of the eligibility criteria as follows:

Please tick:

- I have responsibility for the care of either:
  - [ ] A child under school age; or
  - [ ] A child under 18 who has a disability.

- [ ] I make this request to help me care for the child.

Employment Status

For an employee other than a casual employee:

- [ ] I have worked continuously as an employee of the **Diocese of Lismore** for the last 12 months (i.e. immediately before making this request).

OR

For a casual employee:

- [ ] I have been engaged as a casual employee on a regular and systematic basis for a sequence of periods of 12 months immediately before making the request and I have a reasonable expectation of continuing employment by the employer on a regular and systematic basis.
1. Describe your current working pattern (days/number of hours/times worked):

2. Describe the working pattern you would like to work in future (days/hours/times worked):

3. I would like this working pattern to commence on:

4. Please provide the reasons why you are seeking this change:

**Impact of the new working pattern.** I think this change in my working pattern will affect my employer and colleagues as follows:

5. **Accommodating the new working pattern.** I think the effect on my employer and colleagues can be dealt with as follows:

6. **It is understood and agreed that this new work pattern if agreed will end on** {end Date}. Any variation to this date will require two years notice to facilitate a return to work at the commencement of a school year.

**Signature:**

**Staff Member Name:**

**Date:** insert date

Once you have completed the above application, please provide a copy to your employer.