



Polisi Gweithio yn Hyblyg

Mabwysiadwyd gan y Corff Llywodraethol :

Llofnod y Cadeirydd: Dyddiad:

Llofnod y Pennaeth: Dyddiad:

Dyddiad Adolygu:

CYNNWYS

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Deddf Hawliau Dynol 1998:	Nid yw'r Polisi a'i weithdrefnau ategol yn mynd yn groes i'r Ddeddf Hawliau Dynol.
Deddfwriaeth:	Deddf Cyflogaeth 2002 Deddf Hawliau Cyflogaeth 1996 fel y'i diwygiwyd gan Ddeddf Plant a Theuluoedd 2014 Deddf Cydraddoldeb 2010 Rheoliadau Gweithio Hyblyg 2014

1. **Datganiad Polisi**

Mae'r polisi hwn yn berthnasol i holl weithwyr sydd yn gyflogedig gan y Corff Llywodraethol gan gynnwys gweithwyr llawn amser, rhan amser, parhaol a dros dro.

Mae'r Corff Llywodraethol yn credu mai ei weithwyr yw ei asedau mwyaf gwerthfawr ac rydym wedi ymrwymo i ddefnyddio holl dalent a phrofiad sydd ar gael. Rydym yn cydnabod pa mor bwysig yw helpu ein gweithwyr gydbwysu eu gwaith ag ymrwymadau eraill yn eu bywydau.

Mae'r Corff Llywodraethol hefyd yn cydnabod ei oblygiadau dan Ddeddf Cyflogaeth 2002 i gynnig yr hawl i weithwyr sy'n gymwys wneud cais am batrwm gweithio hyblyg i'w helpu nhw i gyflawni gwell cydbwysedd rhwng gwaith a gofal plant. Rydym yn cydnabod y bydd cynnig mwy o hyblygrwydd yn ein helpu i gadw sgiliau a phrofiad gwerthfawr. Mae'r Polisi hwn yn rhoi cyfle ac arweiniad i weithwyr cymwys yr ysgol i wneud cais ffurfiol am weithio hyblyg.

Caiff pob cais ei ystyried yn briodol ac o ddifrif, gan roi sylw dyledus i unrhyw newid sy'n ymwneud â'r canlynol:

- Yr oriau y mae'n rhaid iddynt weithio
- Yr adegau y mae'n rhaid iddynt weithio
- Lle y mae'n rhaid iddynt weithio (am ran o'r wythnos neu wythnos lawn)

Ni fydd unrhyw weithiwr neu ddarpar weithiwr yr ysgol yn cael ei drin yn llai ffafriol ar sail rhyw, hil, tarddiad ethnig neu genedlaethol, crefydd neu gred, anabledd, ailbennu rhywedd, tueddfryd rhywiol, statws priodasol, oedran neu iaith. Ni fydd unrhyw wahaniaethu, aflonyddu neu erlid yn eu herbyn chwaith yn sgil eu cais dan y polisi hwn.

Ymdrinnir â phob cais yn unigol, gan gymryd i ystyriaeth yr effeithiau tebygol y gall newidiadau arfaethedig i oriau gwaith neu fan gwaith eu cael ar yr Ysgol, natur rôl a chyfrifoldebau'r ymgeisydd, gwaith yr adran lle cyflogir ef/hi, a chydweithwyr yr ymgeisydd.

Rhoddir ystyriaeth arbennig dan ddeddfwriaeth lechyd a Diogelwch bresennol i bob sefyllfa cyn dod i benderfyniad.

Ni ddylid dehongli unrhyw beth yn y darpariaethau a gynhwysir yn y polisi hwn fel hawliau sy'n llai ffafriol na hawliau statudol a hawliau cyflogaeth eraill sy'n berthnasol o fewn cyflogaeth yr ysgol.

Bydd unrhyw gais a wneir ac a dderbynnir dan y polisi hwn yn newid parhaol i delerau cytundebol y gweithiwr ac nid oes hawl cytundebol i newid yn ôl i'r patrwm gwaith blaenorol, oniabi bod cytundeb bod y trefniant yn un dros dro.

2. Manteision Gweithio'n Hyblyg

I'r cyflogwr:

- Gwneud y mwyaf o botensial y gweithwyr sydd ar gael
- Llai o absenoldebau, salwch a straen
- Denu ystod ehangach o ymgeiswyr megis gweithwyr rhan-amser
- Cadw gweithwyr gwerthfawr
- Gwell ymrwymiad, morâl a theyrngarwch gweithwyr
- Gallu cynyddol i ymdrin â newid trwy arloesedd a chreadigrwydd
- Mwy o deyrngarwch ac ymrwymiad gan aelodau o staff
- Gwell perthynas gyda rheolwyr
 - Gall atal diswyddiadau gorfodol yn ystod cyfnodau economaidd anodd

2.2 I'r gweithiwr:

- Galluogi gweithwyr ag ymrwymïadau gofal i sicrhau gwell cydbwysedd rhwng gwaith a bywyd
- Galluogi rhieni i ofalu am blant yn ystod gwyliau ysgol
- Galluogi gweithwyr i ddilyn addysg bellach neu weithgareddau eraill
- Galluogi rhai gweithwyr i aros mewn cyflogaeth, efallai ar lai o oriau a allai fod o fudd i bobl ag anableddau penodol
- Mae'n cynnig hyblygrwydd, yn enwedig os yw gweithiwr yn agosáu at oed ymddeol
- Mae'n darparu mwy o ymdeimlad o gyfrifoldeb, perchnogaeth a rheolaeth dros fyd gwaith
- Gwella lles, llai o straen
- Mwy o amser i ganolbwyntio ar fywyd y tu allan i'r gwaith

3. Cymhwysedd

- 3.1 Dan ddarpariaethau a nodir yn Neddf Hawliau Cyflogaeth 1996 a'r rheoliadau a wnaed dani, mae gan **bob** gweithiwr hawl statudol i wneud cais i'w cyflogwr i newid amodau a thelerau eu cyflogaeth i weithio'n hyblyg cyn belled â'u bod wedi gweithio i'w cyflogwr am 26 wythnos gytundebol yn barhaus ar y dyddiad y gwneir y cais. Dim ond un cais statudol y caiff gweithiwr ei wneud o fewn cyfnod o 12 mis. Nid oes gan weithwyr sydd wedi eu cyflogi am gyfnod llai na 26 wythnos na gweithwyr asiantaeth hawl statudol i wneud cais am weithio hyblyg. Serch hynny, efallai y bydd cyflogwyr yn dymuno ystyried ceisiadau gan y gweithwyr hyn oherwydd y gall gweithio'n hyblyg ddod â manteision busnes yn ogystal â manteision i'r gweithiwr.
- 3.2 Bydd y Polisi yn berthnasol i weithwyr llawn amser, rhan-amser, tymor penodol a thros dro sydd â contract cyflogaeth, beth bynnag eu horiau gweithio. Nid yw'r hawl yn ymestyn i weithwyr asiantaeth.
- 3.3 Ni ddylai'r gweithiwr fod wedi gwneud cais arall ar gyfer gweithio hyblyg dan yr hawl yn ystod y 12 mis diwethaf ond bydd ystyriaeth y cael ei roi os ydi amgylchiadau'r gweithiwr wedi newid yn sylweddol.

4. **Gwneud Cais**

- 4.1 Mae'r cyfrifoldeb yn y lle cyntaf ar y gweithiwr i baratoi cais manwl a thrylwyr mewn da bryd cyn yr hoffent i'r patrwm gwaith ddod yn weithredol.
- 4.2 Mae'n rhaid gwneud cais ysgrifenedig a dylech ddarparu gwybodaeth benodol er mwyn i'r cais gael ei ystyried. Mae Ffurflen Gais Gweithio Hyblyg (Atodiad A) ynghlwm wrth y polisi hwn sy'n sicrhau bod yr holl wybodaeth berthnasol ar gael i gefnogi cais. Mae'n bwysig ateb pob cwestiwn sydd ar y ffurflen yn llawn neu, os na wneir hynny, mae'n bosibl na fydd y cais yn cael ei ystyried ymhellach nes bydd y wybodaeth perthnasol wedi ei ddarparu
- 4.3 Gall gweithio hyblyg olygu nifer o ddewisiadau ar wahân neu ar y cyd a fydd yn helpu i hwyluso gwell cydbwysedd rhwng ymrwymadau gwaith ac ymrwymadau eraill.

5. **Y Weithdrefn**

- 5.1 Bydd yr holl geisiadau, gan gynnwys unrhyw apêl, yn cael eu hystyried a'u penderfynu o fewn cyfnod o dri mis (13 wythnos) o'r dyddiad derbyn cyntaf, oni bai y cytunir i ymestyn y cyfnod hwn ymhellach gyda'r gweithiwr.
- 5.2 Mae'n rhaid cyflwyno'r cais ar Ffurflen Gais Gweithio Hyblyg (gweler Atodiad A) a dylid ei chyflwyno i'r Pennaeth / Cadeirydd y Llywodraethwyr. Y dyddiad y caiff y ffurflen ei derbyn fydd dyddiad y cais. Cyfeirir y cais at sylw'r Panel Personél / Staffio.
- 5.3 Mae'n rhaid i'r Pennaeth gyfarfod gyda'r ymgeisydd cyn gynted ag y mae'n ymarferol bosib wedi derbyn y cais.
- 5.4 Mae gan y gweithiwr yr hawl i ddod â chydymaith i'r cyfarfod. Gall y cydymaith fod yn gyd-weithiwr/wraig neu'n gynrychiolydd undeb llafur. Gall y cydymaith annerch y cyfarfod neu ymgynghori â'r gweithiwr yn ystod y cyfarfod. Fodd bynnag, ni allant ateb cwestiynau ar ran y gweithiwr. Os na all y cydymaith fynychu'r cyfarfod, dylid ei aildrefnu o fewn 5 diwrnod gwaith i'r amser gwreiddiol fel ei fod yn hwylus i'r holl bartïon.
- 5.5 Unwaith y bydd y cyfarfod wedi ei gynnal a'r cais wedi ei drafod yn llawn gyda'r Panel Staffio/Personél, hysbysir y gweithiwr am y penderfyniad yn ysgrifenedig o fewn 10 diwrnod gwaith yn dilyn y cyfarfod (gweler Adran 7 ynghylch ymestyn terfynau amser).
- 5.6 Os bydd y cais yn cael ei dderbyn, bydd yr hysbysiad yn cynnwys:
 - a) Disgrifiad o'r patrwm gwaith newydd (a all fod yn batrwm gwaith y gofynnwyd amdano neu'n gyfaddawd y cytunwyd arno)
 - b) Dyddiad y bydd patrwm gwaith newydd yn dod i rym
 - c) Os yw'r cais yn cael ei gytuno arno ar sail arbrofol i ddechrau, dylid cynnal cyfarfod adolygu o fewn y 3 mis cyntaf i sicrhau bod y trefniadau newydd yn gweithio'n foddhaol
 - ch) Manylion unrhyw newid i'r cyflog o ganlyniad i'r newid (hysbysir yr adran gyflogau am hyn).

Unwaith y bydd y trefniadau newydd wedi eu cwblhau a'u cytuno arnynt, bydd hyn yn cael ei gadarnhau yn ysgrifenedig a bydd yn ddiwygiad cytundebol parhaol.

5.7 Os caiff y cais ei wrthod, bydd yr hysbysiad yn cynnwys:

- a) Sail yr achos busnes dros wrthod y cais
- b) Eglurhad digonol ynghylch pam bod sail yr achos busnes dros wrthod y cais yn berthnasol dan yr amgylchiadau
- c) Manylion ynglŷn â hawl y gweithiwr i apelio

5.8 Os na dderbynnir y cais, mae gan y gweithiwr 10 diwrnod gwaith i apelio yn ysgrifenedig (ar ôl y dyddiad y byddant yn derbyn hysbysiad ysgrifenedig o'r penderfyniad). Dylai'r apêl nodi yn fanwl y rhesymau dros apelio. Gellir defnyddio Atodiad D at y diben hwn (gweler Adran 7 ynghylch ymestyn terfynau amser).

5.9 Mae'n rhaid cynnal y cyfarfod apêl o fewn 10 diwrnod gwaith o dderbyn hysbysiad o'r apêl (gweler Adran 7 ynghylch ymestyn terfynau amser).

5.10 Y Panel Apêl fydd yn gwrandao ar yr apeliadau. Mae gan y gweithiwr yr hawl i ddod â chydymaith i'r gwrandawriad. Gall y cydymaith fod yn gyd-weithiwr/wraig neu'n gynrychiolydd undeb llafur. Gall y cydymaith annerch y cyfarfod neu ymgynghori â'r gweithiwr yn ystod y cyfarfod. Fodd bynnag, ni allant ateb cwestiynau ar ran y gweithiwr. Os na all y cydymaith fynychu'r gwrandawriad, dylid ei aildrefnu o fewn 7 diwrnod i'r amser gwreiddiol fel ei fod yn hwylus i'r holl bartïon. Bydd aelod o Adnoddau Dynol Addysg yn bresennol yn y cyfarfod apêl.

5.11 Hysbysir yr ymgeisydd o ganlyniad yr apêl yn ysgrifenedig o fewn 14 diwrnod o ddyddiad y cyfarfod (gweler Adran 7 ynghylch ymestyn terfynau amser).

6. Rhesymau Posib Dros Wrthod Cais

Gwrthodir cais yn unig pan fo rheswm busnes clir dros wneud hynny. Os mai dyma fydd yr achos, mae'n debygol y bydd ar sail un o'r rhesymau canlynol, er nad yn unig:

- a) Baich costau ychwanegol
- b) Effaith andwyol ar y gallu i gwrdd ag anghenion y gyfundrefn
- c) Methu ad-drefnu gwaith ymhlith y staff presennol
- ch) Methu recriwtio staff ychwanegol
- d) Effaith andwyol ar ansawdd gwaith
- dd) Effaith andwyol ar berfformiad
- e) Dim digon o waith ar gyfer y cyfnodau y mae'r gweithiwr yn bwriadu gweithio
- f) Newidiadau strwythurol a gynlluniwyd

Os bydd cais yn cael ei wrthod, nodir y rheswm ar ba sail y gwrthodir y cais dan yr amgylchiadau mewn modd clir a chywir a fydd yn galluogi'r gweithiwr i ddeall yn llawn y rheswm (rhesymau) y tu ôl i'r penderfyniad.

7. Ymestyn Terfynau Amser

- 7.1 Os bydd yr Ysgol angen mwy o amser i ddelio â'r cais ar unrhyw adeg yn ystod y driniaeth, rhaid cytundeb oddi wrth y gweithiwr am estyniad i'r nifer y dyddiau a nodir yn y Weithdrefn (gweler Adran 5 uchod). Bydd y cytundeb yn:
- Nodi pa gam o'r broses y mae'r estyniad yn ymwneud ag ef
 - Nodi ar ba ddyddiad y daw'r estyniad i ben
 - Cael ei ddyddio a'i anfon at y gweithiwr
- 7.2 Os oes ar weithiwr angen estyniad i derfynau amser, mae'n rhaid derbyn cytundeb yr Ysgol ar gyfer estyn nifer y dyddiau a nodir yn y Weithdrefn.

8. Amodau a Thelerau Cytundebol

- 8.1 Os yw'r newidiadau i'r patrwm gweithio yn golygu llai o oriau, yna bydd gostyngiad o ran hawl gwyliau â thâl ar sail pro-rata nifer yr oriau a weithir. Yr un fydd yr effaith ar gyfraniadau pensiwn. Bydd manylion am newidiadau tâl yn cael eu cadarnhau yn ysgrifenedig, unwaith y bydd y trefniadau wedi eu cytuno arnynt.
- 8.2 Bydd unrhyw gais a wneir ac a dderbynnir yn newid parhaol i delerau cytundebol y gweithiwr, onibai bod cytundeb gwahanol, ac nid oes hawl cytundebol i newid yn ôl i'r patrwm gwaith blaenorol.
- 8.3 Pan fo gweithiwr yn gwneud cais am newid dros dro ac os yw'r Pennaeth / Rheolwr yn cytuno â hyn, bydd gan y gweithiwr yr hawl i ddychwelyd yn ôl i'w patrwm gweithio blaenorol.

9. Tynnu Cais yn Ôl

- 9.1 Mae tri rheswm pam y gellir ymdrin â chais fel un sydd wedi ei dynnu'n ôl:
- 9.1.1 **Y gweithiwr yn penderfynu tynnu'r cais yn ôl**
Mae'n rhaid i unrhyw gais i dynnu'n ôl gael ei gyflwyno'n ysgrifenedig gan y gweithiwr (gweler Atodiad B - Ffurflen Tynnu'n Ôl).
- 9.1.2 **Pan fydd y gweithiwr yn methu mynychu dau gyfarfod**
Pan fo gweithiwr wedi methu mynychu dau gyfarfod sy'n ymwneud â'u cais heb achos rhesymol, gellir ymdrin â'r cais fel un sydd wedi ei dynnu'n ôl. Dylai'r Pennaeth / Corff Llywodraethol gadarnhau y rhesymau dros yr absenoldeb cyn pennu fod y cais wedi ei dynnu'n ôl.
- 9.1.3 **Y gweithiwr yn gwrthod yn afresymol i ddarparu'r wybodaeth angenrheidiol**
Gall achlysuron godi pan fydd cyflogwr yn barod i dderbyn cais am weithio hyblyg ond bod angen gwybodaeth ychwanegol cyn y gellir gwneud hynny. Os bydd gweithiwr yn gwrthod darparu'r wybodaeth sydd ei hangen, yna gall yr Ysgol drin y cais fel un wedi ei dynnu'n ôl.

10. Hawliau a Chyfrifoldebau

Mae gan weithwyr a Penaethiaid / Cadeirydd y Llywodraethwyr gyfrifoldebau wrth ystyried cais ar gyfer gweithio hyblyg. Amlinellir y rhain isod:

Hawliau a Chyfrifoldebau'r Gweithiwr	
Hawliau	Cyfrifoldebau
<ul style="list-style-type: none"> • Gwneud cais i weithio'n hyblyg • Bod eu cais yn cael ei ystyried yn briodol yn unol â'r weithdrefn a osodwyd a'i fod yn cael ei wrthod YN UNIG am resymau busnes clir. • I gael cydymaith gyda nhw wrth gyfarfod â'r cyflogwr i drafod y cais • Os gwrthodir y cais, derbyn eglurhad ysgrifenedig yn egluro pam • Apelio yn erbyn y penderfyniad i'w wrthod • Cyflwyno cwyn i'r Tribiwnlys dan amgylchiadau penodol 	<ul style="list-style-type: none"> • Darparu cais manwl a thrylwyr • Sicrhau bod y cais yn gyflawn trwy wirio eu bod wedi darparu'r holl wybodaeth angenrheidiol • Sicrhau y cyflwynir y cais mewn da bryd cyn y byddant yn dymuno iddo ddod yn weithredol • Cyrraedd cyfarfodydd yn brydlon a bod yn fodlon i drafod eu cais mewn modd agored ac adeiladol • Os oes angen, bod yn hyblyg er mwyn dod i gytundeb gyda'r cyflogwr

Hawliau a Chyfrifoldebau'r Pennaeth / Corff Llywodraethol	
Hawliau	Cyfrifoldebau
<ul style="list-style-type: none"> • Cytuno ar gais neu ddod i gyfaddawd y cytunir arno gan y naill barti a'r llall • Gwrthod cais pan nad oes modd rhoi'r patrwm gwaith a ddymunir ar waith o fewn anghenion y busnes • Gofyn am gytundeb y gweithiwr i ymestyn terfynau amser • Lle bo'n briodol, ystyried cais sydd wedi ei dynnu'n ôl dan amgylchiadau penodol 	<ul style="list-style-type: none"> • Ystyried ceisiadau yn briodol yn unol â'r weithdrefn a osodwyd • Sicrhau eu bod yn cadw at y terfynau amser a geir yn y weithdrefn • Darparu cefnogaeth a gwybodaeth briodol i'r gweithiwr yn ystod y broses • Gwrthod cais yn unig am reswm busnes cydnabyddedig ac egluro hynny'n ysgrifenedig i'r gweithiwr • Sicrhau bod unrhyw amrywiad i'r weithdrefn yn cael ei gytuno arno ymlaen llaw gyda'r gweithiwr a'i gofnodi mewn ysgrifenedig . • Cadarnhau y rhesymau dros yr absenoldeb cyn pennu fod y cais wedi ei dynnu'n ôl

11. **Ceisiadau heb eu Datrys**

- 11.1 Bydd y cam o apelio yn y Polisi hwn (gweler Adran 5.8) yn dod i'r penderfyniad terfynol ynglŷn â chais dan y Polisi hwn.
- 11.2 Mae'n bwysig cwblhau'r weithdrefn fewnol cyn ystyried cyflwyno cwyn ffurfiol i Dribiwnlys Cyflogaeth.

12. **Monitro ac Adolygu**

- 12.1 Bydd cymhwyso'r polisi yn cael ei fonitro mewn perthynas â'r nodweddion a amddiffynnwyd yn Neddff Cydraddoldeb 2010, sef:
- oed
 - anabledd
 - ailbennu rhywedd
 - priodas a phartneriaeth sifil
 - beichiogrwydd a mamolaeth
 - hil
 - crefydd neu greddo
 - rhyw
 - tueddiad rhywiol

Atodiad A

Ffurflen Gais Gweithio Hyblyg

Enw Llawn y Gweithiwr:	
Ysgol:	
Swydd:	
Rhif Cyflog:	
Dyddiad cychwyn cyflogaeth gyda Chyngor Bwrdeistref Sirol Conwy:	

Hoffwn wneud cais i weithio patrwm gwaith hyblyg sy'n wahanol i fy mhatrwm gwaith presennol.

Rwyf yn cadarnhau fy mod yn bodloni'r meini prawf cymhwysedd canlynol (ticiwch):

- Rwyf wedi gweithio'n barhaus i'r Cyngor yn ystod y 26 wythnos ddiwethaf.
- Rwyf yn cyflwyno'r cais hwn am batrwm gweithio hyblyg dros dro (nodwch gyfnod y patrwm gweithio isod).
.....
- Nid wyf wedi gwneud cais i weithio'n hyblyg dan yr hawl hwn yn ystod y 12 mis diwethaf.

Llofnod:

Dyddiad:

Sylwer:

Dychwelwch eich cais wedi ei gwblhau i'ch Pennaeth / Cadeirydd y Llywodraethwyr

Disgrifiwch eich patrwm gwaith presennol (dyddiau/oriau/adegau a weithir):

Disgrifiwch y patrwm gwaith yr hoffech weithio yn y dyfodol (dyddiau/oriau/adedgau a weithir):	
<i>(parhewch ar daflen ar wahân os oes angen)</i>	
Nodwch y dyddiad yr hoffech i'r patrwm gwaith hwn ddechrau:	
Ydych chi wedi gwneud cais blaenorol? Os felly, pryd?	<input type="checkbox"/> Do Dyddiad: <input type="checkbox"/> Naddo <i>(ticiwch)</i>
Disgrifiwch sut bydd y newid hwn yn eich patrwm gwaith yn effeithio ar yr ysgol a'ch cydweithwyr:	
<i>(parhewch ar daflen ar wahân os oes angen)</i>	
Disgrifiwch sut y credwch y gellir ymdrin â'r newid hwn yn eich patrwm gwaith gan yr ysgol a'ch cydweithwyr:	
<i>(parhewch ar daflen ar wahân os oes angen)</i>	
Llofnod:	Dyddiad:

Dychwelwch y ffurflen hon i'ch Pennaeth / Cadeirydd y Llywodraethwyr

Dyddiad y cafodd y Pennaeth / Cadeirydd y Llywodraethwyr y cais:	
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Nodiadau Canllawiau i'r Gweithiwr/aig wrth lenwi'r Ffurflen Gais Gweithio Hyblyg

1. Dylid llenwi'r ffurflen hon os hoffech wneud cais ar gyfer Gweithio Hyblyg. Cyn llenwi'r ffurflen, dylech yn gyntaf ddarllen Polisi Gweithio Hyblyg yr ysgol er mwyn sicrhau eich bod yn gymwys i wneud cais.
2. Annogir gweithwyr i gysylltu gyda'u cynrychiolydd Undeb am gyngor ac arweiniad
3. Sylwer y gall gymryd hyd at 13 wythnos cyn bod cais yn cael ei ystyried a'i weithredu ac o bosibl mwy na hynny os bydd problemau'n codi. Felly dylech sicrhau eich bod yn cyflwyno eich cais mewn da bryd cyn y dyddiad yr hoffech i'ch cais ddod yn weithredol.
4. Mae'n bwysig eich bod yn ateb yr holl gwestiynau ar y ffurflen hon ac yn darparu cymaint o wybodaeth ag y gallwch am y patrwm gwaith yr hoffech ei gael, neu fel arall mae'n bosibl na fydd eich cais yn ddilys, ac na chaiff ei ystyried ymhellach nes bydd wedi'i gwblhau'n llawn. Ystyriwch ba effaith fydd y newid mewn patrwm gwaith yn ei gael ar y gwaith a wnewch ac ar eich cydweithwyr a sut gellid goresgyn unrhyw broblemau.
5. Ar ôl i chi lenwi'r ffurflen, dylech ei hanfon yn syth at eich Pennaeth / Cadeirydd y Corff Llywodraethol. Trefnir cyfarfod gyda chi o fewn cyfnod rhesymol o dderbyn eich cais er mwyn ei drafod. Os caiff eich cais ei dderbyn, bydd hwn yn newid parhaol i'ch telerau a'ch amodau oni bai y nodir yn wahanol.
6. Os byddwch eisiau help gyda'ch cais, yna cysylltwch ag Adain Adnoddau Dynol Addysg.

Employee Guidance Notes for Completion of Flexible Working Application Form

1. This form should be completed if you wish to make an application for Flexible Working. Before completing this form, you should first read the School's Flexible Working Policy to ensure that you are eligible to make a request.
2. Employees are advised to contact their Trade Union representative for advice and guidance.
3. You should note that it may take up to 13 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.
4. It is important that you complete all the questions on this form and provide as much information as you can about your desired working pattern, otherwise your application may not be valid and will not be considered further until it is fully completed. Think about what effect your change in working pattern will have both on the work that you do and on your colleagues and how any problems might be overcome.
5. Once you have completed the form, you should immediately forward it to your Headteacher / Chair of the Governing Body. A meeting will be arranged with you as soon as practically possible after receipt of your application to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.
6. If you require assistance with your application, please contact Education Human Resources Section.

Hysbysiad Tynnu Cais Gweithio Hyblyg yn Ôl

Enw Llawn y Gweithiwr:	
Ysgol:	
Swydd:	
Rhif Cyflog:	

Nodyn i'r gweithiwr:

Mae'r ffurflen yn hysbysu'r Ysgol / Cadeirydd y Corff Llywodraethol eich bod yn dymuno tynnu'ch cais ar gyfer Gweithio Hyblyg yn ôl.

Annwyl: _____

Hoffwn dynnu fy nghais ar gyfer gweithio hyblyg yn ôl. Cyflwynwyd y cais ar _____.

Rwyf yn deall na allaf wneud cais arall am 12 mis o'r dyddiad uchod.

Enw: _____ Dyddiad: _____

Dychwelwch y ffurflen hon i'ch Pennaeth / Cadeirydd y Corff Llywodraethol

Dyddiad y cafodd y Pennaeth / Cadeirydd y Corff Llywodraethol y cais:	
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Ffurflen Apêl Gweithio Hyblyg

Enw Llawn y Gweithiwr:	
Ysgol:	
Swydd:	
Rhif Cyflog:	

Nodyn i'r gweithiwr:

Os gwrthodwyd eich cais, yna mae'n bosibl i chi apelio yn erbyn y penderfyniad. Os hoffech wneud hynny, mae'n rhaid i chi gyflwyno eich apêl o fewn 10 diwrnod gwaith o dderbyn hysbysiad ysgrifenedig bod eich cais am weithio hyblyg wedi ei wrthod. Gallwch ddefnyddio'r ffurflen hon i wneud eich apêl. Dylech nodi'n fanwl ar ba sail rydych yn apelio.

Annwyl: _____

Hoffwn apelio yn erbyn eich penderfyniad i wrthod fy nghais ar gyfer Gweithio Hyblyg. Dyma fy rhesymau dros apelio:

(Gellir parhau ar dudalen arall os oes angen)

Enw:

Dyddiad:

Dychwelwch y ffurflen hon i'ch Pennaeth / Cadeirydd y Corff Llywodraethol

Dyddiad y cafodd y Pennaeth / Cadeirydd y Corff Llywodraethol y cais:	
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POLISI GWEITHIO HYBLYGU



Flexible Working Policy

Policy adopted by Governing Body :

Signed by Chairperson: Date:

Signed by Headteacher: Date:

Review Date:

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Human Rights Act 1998:	This Policy and its supporting procedures does not contravene the Human Rights Act.
Legislation:	Employment Act 2002 Employment Rights Act 1996 as amended by the Children and Families Act 2014 Equality Act 2010 Flexible Working Regulations 2014

1. Policy Statement

This policy applies to all employees which are employed by the Governing Body, this includes full-time, part-time, permanent and temporary employees.

The Governing Body believes that its employees are its most valuable asset and we are committed to utilising all the talent and experience available. We recognise the importance of helping our employees balance their work and other commitments in their lives.

The Governing Body also recognises its obligation under the Employment Act 2002 to offer the right for eligible employees to request a flexible working pattern to help them achieve a better balance between work and childcare. We realise that offering more flexibility will help us retain valued skills and experience. This Policy offers the opportunity and provides guidance for eligible employees of the School to make a formal request for flexible working.

All applications will be considered properly and seriously, with due regard being given to any changes relating to the following:

- The hours they are required to work
- The times when they are required to work
- Where they are required to work (whether for all or part of the week)

No employee or potential employee of the school shall be treated less favourably on the grounds of sex, race, ethnic or national origin, religion or belief, disability, gender reassignment, sexual orientation, marital status, age or language. Neither will they be discriminated against, harassed or victimised because of their application under this policy.

Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the School, the nature of the role and responsibilities of the applicant, the work of the department/discipline in which the applicant is employed, and the applicant's colleagues.

Special consideration under current Health and Safety legislation will be given to each situation before a decision is reached.

Nothing in the provisions included in this policy shall be taken as providing rights less favourable than statutory and other employment rights applied within the employment of School.

Any request for a permanent change that is made and accepted under this policy will be a permanent change to the employee's contractual terms and there is no contractual right to revert back to the previous working pattern, unless mutually agreed for the change to be made on a temporary basis.

3. Benefits of Flexible Working

To the employer :

- Maximise the potential of available labour
- Reduced absenteeism, sickness and stress
- Attract a wider range of candidates such as part-time workers
- Retain valued employees
- Improved employee commitment, morale and loyalty
- Increased ability to deal with change by innovation and creativity
- Increased loyalty and commitment from staff
- Better relationships with management
- May prevent compulsory redundancies during difficult budgetary periods

2.2 To the employee:

- Enables employees with outside commitments for care to achieve a better work/life balance
- Enables parents to care for dependents
- Enables employees to pursue further education or other pursuits
- Enables some employees to remain in employment, perhaps on reduced hours which could benefit people with certain disabilities
- Offers flexibility, particularly if approaching retirement age
- Provides a greater sense of responsibility, ownership and control of working life
- Improved well-being, less stress
- More time to focus on life outside work

3. Eligibility

- 3.1 Under provisions set out in the Employment Rights Act 1996 and regulations made under it, **all** employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks and agency workers do not have a statutory right to request flexible working. Nevertheless, employers may still wish to consider a request from these groups as flexible working can bring business benefits as well as benefits to the employee.
- 3.2 The Policy will apply equally to full-time, part-time, fixed term and temporary employees who have a contract of employment, regardless of the hours worked. This entitlement does not extend to agency workers.
- 3.3 The employee must not have made another application to work flexibly under the right during the past 12 months but consideration will be given if the employee's circumstances have significantly changed.

4. Making an Application

- 4.3 The initial onus is on the employee to prepare a carefully thought-out application well in advance of when they would like the desired working pattern to take effect.

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4.4 The application must be made in writing and should provide specific information in order for the application to be considered. A Flexible Working Application Form (Appendix A) is attached to this policy which ensures that all the relevant information is provided in support of an application. It is important that all questions on this form are answered fully otherwise the application may not be considered further until all relevant information has been provided.

4.3 Flexible working may involve many options that separately, or in combination, will help facilitate a better balance between work and other commitments.

5. The Procedure

5.1 All requests including any appeals will be considered and decided on within a period of three months (13 weeks) from first receipt, unless it is agreed to extend further with the employee.

5.2 The application must be submitted on the Flexible Working Application Form (see Appendix A) and should be submitted to the Headteacher / Chair of the Governing Body. The date it is received will be regarded as the date of application. The request will be referred to the Personnel / Staffing Committee.

5.3 A meeting must be held by the Headteacher with the applicant to consider the request as soon as practically possible after the date the application is received

5.4 The employee has the right to bring a companion to the meeting. The companion may be a fellow worker or a trade union representative. The companion may address the meeting or confer with the employee during the meeting. They cannot however answer questions on the employee's behalf. If the companion cannot attend the meeting, it should be re-arranged within 5 working days of the originally proposed time to the mutual convenience of all parties.

5.5 Once the meeting has taken place and the request has been fully discussed with the Staffing/Personnel Committee, the employee will be notified of the decision in writing within 10 working days following the date of the meeting (see Section 7 regarding extensions to time limits).

5.12 If the request is accepted, the notification will include :

- d) A description of the new working pattern (which may be the desired working pattern or an agreed compromise)
- e) State the date from which the new working pattern is to take effect
- f) If the request is agreed on a trial basis initially, a review meeting should be scheduled within the first 3 months to make sure the new arrangements are working satisfactorily
- g) Details of any changes to pay as a result of the change (which will be notified to payroll).

Once the new arrangements have been finalised and agreed, this will be confirmed in writing and will become a permanent contractual amendment.

5.13 If the request is rejected, the notification will :

- d) State the business ground(s) for refusing the application

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- e) Provide a sufficient explanation as to why the business ground(s) for refusal apply in the circumstances
 - f) Provide details of the employee's right to appeal
- 5.14 If the application is turned down, the employee has 10 working days to appeal in writing (after the date they receive the written notification of the decision). The appeal should set out in detail the grounds for the appeal. Appendix D should be used for this purpose (see Section 6 regarding extensions to time limits).
- 5.15 The appeal meeting must take place within 10 working days after receiving notice of the appeal (see Section 7 regarding extensions to time limits).
- 5.16 Appeals will be heard by the Appeal Committee. The employee has the right to bring a companion to the hearing. The companion may be a fellow worker or a trade union representative. The companion may address the hearing or confer with the employee during the hearing. They cannot however answer questions on the employee's behalf. If the companion cannot attend the hearing, it should be re-arranged within 7 days of the originally proposed time to the mutual convenience of all parties. A member of Education Human Resources will be present at the appeal meeting.
- 5.17 The applicant will be informed of the outcome of the appeal in writing within 14 days after the date of the meeting (see Section 7 regarding extensions to time limits).

6. Reasons A Request Might Be Refused

An application will be refused only where there is a clear business reason for doing so. If this is the case, they are likely to be, but not exclusively, one of the following :

- g) Burden of additional costs
- h) Detrimental effect on ability to meet organisational demands
- i) Inability to reorganise work among existing staff
- j) Inability to recruit additional staff
- k) Detrimental impact on quality of work
- l) Detrimental impact on performance
- m) Insufficient work during the periods the employee proposes to work
- n) Planned structural changes

In the event that a request is refused, an explanation of why the business grounds apply in the circumstances would be provided in a clear and accurate manner that will enable the employee to fully understand the reason(s) behind the decision.

7. Extension Of Time Limits

- 7.3 If the School needs more time to deal with the application at any point during the procedure, agreement must be obtained from the employee for an extension to the number of days set out in the Procedure (see Section 5 above). This will :
- d) Specify what stage of the process the extension relates to
 - e) Specify the date on which the extension is to end
 - f) Be dated and sent to the employee
- 7.4 If an employee needs an extension of time, agreement must be obtained from the School for an extension to the number of days set out in the Procedure.

8. Contractual Terms And Conditions

- 8.1 If the changes to the working pattern involve a reduction in hours, then pay and holiday entitlement will be reduced pro-rata to the number of hours worked. Similarly pension contributions will be affected. Details of remuneration changes will be confirmed in writing, once arrangements have been agreed.
- 8.2 Any request that is made and accepted will be a permanent change to the employee's contractual terms, unless otherwise agreed, and there is no contractual right to revert back to the previous working pattern.
- 8.3 Where an employee applies for a temporary change for a duration and this is agreed with the Headteacher / Manager, the employee will have the right to revert back to the previous working pattern.

9. Withdrawal of an Application

9.1 There are three reasons why an application may be treated as withdrawn :

- 9.1.1 **The employee decides to withdraw the application**
Any withdrawal must be made in writing by the employee (see Appendix B - Withdrawal Form).
- 9.1.2 **The employee fails to attend two meetings**
Where an employee fails to attend two meetings relating to their application without reasonable cause, their application may be treated as withdrawn. The Headteacher / Governing Body should ascertain the reason for non-attendance before deeming the application withdrawn.
- 9.1.3 **The employee unreasonably refuses to provide the required information**
There may be occasions when an employer is willing to accept a request for flexible working but requires additional information before they can do so. If an employee refuses to provide the information required, then the School can treat the application as withdrawn.

10. Rights and Responsibilities

Both employees and Headteachers / Chair of Governors have responsibilities when considering a request for flexible working. These are outlined below :

Employee Rights and Responsibilities :	
Rights	Responsibilities
<ul style="list-style-type: none"> • To request to work flexibly • To have their application considered properly in accordance with the set 	<ul style="list-style-type: none"> • To provide a carefully thought out application

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<p>procedure and refused ONLY where there is a clear business ground for doing so.</p> <ul style="list-style-type: none"> • To have a companion present with them when meeting the employer to discuss the application • Where the application is refused, to have a written explanation explaining why • To appeal against the decision to refuse • To take a complaint to a Tribunal in certain circumstances 	<ul style="list-style-type: none"> • To ensure the application is complete by checking that they have provided all the necessary information • To ensure the application is made well in advance of when they want it to take effect • To arrive at meetings on time and be prepared to discuss their application in an open and constructive manner • If necessary, be prepared to be flexible themselves, to reach an agreement with the employer
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Headteacher / Governing Body Rights and Responsibilities:	
Rights	Responsibilities
<ul style="list-style-type: none"> • To agree an application or come to a mutually agreeable compromise solution • To reject an application when the desired working pattern cannot be accommodated within the needs of the business • To seek the employee's agreement to extend timescales • Where it is appropriate, to consider an application withdrawn in certain circumstances 	<ul style="list-style-type: none"> • To consider requests properly in accordance with the set procedure • To ensure they adhere to the time limits contained within the procedure • To provide the employee with appropriate support and information during the course of the application. • To only decline a request where there is a recognised business ground and to explain to the employee in writing why it applies • To ensure that any variation with the procedure is agreed in advance with the employee and recorded in writing • Ascertain the reasons an employee being unable to attend meetings before deeming an application withdrawn.

11. **Unresolved Applications**

- 11.1 The appeal stage of this Policy (see Section 5.8) will conclude the final decision of an application under this Policy.
- 11.2 It is important that the internal procedure is exhausted before considering a formal complaint to an Employment Tribunal.

12. **Monitoring and Review**

- 12.1 The application of the policy will be monitored in relation to the protected characteristics in the Equality Act 2010. These are:
- Age

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- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Appendix A

Flexible Working Application Form

Full Name of Employee:	
Location:	
Post:	
Pay Ref. No:	
Date commenced employment with Conwy County Borough Council:	

I would like to apply to work a flexible working pattern that is different to my current working pattern.

I confirm I meet the following eligibility criteria (please tick):

- I have worked continuously as an employee of the Council for the last 26 weeks.
- I request this flexible working pattern for a temporary period (enter duration below).

- I have not made a request to work flexibly under this right during the past 12 months.

Signed:

Date:

Note:

Please return your completed application to your Headteacher / Chair of Governors.

Describe your current working pattern (days/hours/times worked) :

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Describe the working pattern you would like to work in future (days/hours/times worked) :	
<i>(continue on a separate sheet if necessary)</i>	
State the date you would like this working pattern to commence from :	
State whether you have made a previous application and if so, when?	<input type="checkbox"/> Yes Date: <input type="checkbox"/> No <i>(please tick)</i>
Describe how this change in your working pattern will affect the School and your fellow colleagues :	
<i>(continue on a separate sheet if necessary)</i>	
Describe how you think these changes to your working pattern can be accommodated and dealt with by the School and your fellow colleagues :	
<i>(continue on a separate sheet if necessary)</i>	
Signed :	Date :

Please return this form to your Headteacher / Chair of Governors

Date application received by Headteacher/Chair of Governors	
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Nodiadau Canllawiau i'r Gweithiwr/aig wrth lenwi'r Ffurflen Gais Gweithio Hyblyg

7. Dylid llenwi'r ffurflen hon os hoffech wneud cais ar gyfer Gweithio Hyblyg. Cyn cwblhau'r ffurflen, dylech yn gyntaf ddarllen Polisi Gweithio Hyblyg yr ysgol er mwyn sicrhau eich bod yn gymwys i wneud cais.
8. Anogir gweithwyr i gysylltu gyda'u cynrychiolydd Undeb am gyngor ac arweiniad
9. Sylwer y gall gymryd hyd at 13 wythnos cyn bod cais yn cael ei ystyried a'i weithredu ac o bosibl mwy na hynny os bydd problemau'n codi. Felly dylech sicrhau eich bod yn cyflwyno eich cais mewn da bryd cyn y dyddiad yr hoffech i'ch cais ddod yn weithredol.
10. Mae'n bwysig eich bod yn ateb yr holl gwestiynau ar y ffurflen hon ac yn darparu cymaint o wybodaeth ag y gallwch am y patrwm gwaith yr hoffech ei gael, neu fel arall mae'n bosibl na fydd eich cais yn ddilys, ac na chaiff ei ystyried ymhellach nes bydd wedi'i gwblhau'n llawn. Ystyriwch ba effaith fydd y newid mewn patrwm gwaith yn ei gael ar y gwaith a wnewch ac ar eich cydweithwyr a sut gellid goresgyn unrhyw broblemau.
11. Ar ôl i chi lenwi'r ffurflen, dylech ei hanfon yn syth at eich Pennaeth / Cadeirydd y Llywodraethwyr .Trefnir cyfarfod gyda chi o fewn cyfnod rhesymol o dderbyn eich cais er mwyn ei drafod. Os caiff eich cais ei dderbyn, bydd hwn yn newid parhaol i'ch telerau a'ch amodau oni bai y nodir yn wahanol.
12. Os byddwch eisiau help gyda'ch cais, yna cysylltwch ag Adain Adnoddau Dynol Addysg.

Employee Guidance Notes for Completion of Flexible Working Application Form

7. This form should be completed if you wish to make an application for Flexible Working. Before completing this form, you should first read the School's Flexible Working Policy to ensure that you are eligible to make a request.
8. Employees are advised to contact their Trade Union representative for advice and guidance.
9. You should note that it may take up to 13 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.
10. It is important that you complete all the questions on this form and provide as much information as you can about your desired working pattern, otherwise your application may not be valid and will not be considered further until it is fully completed. Think about what effect your change in working pattern will have both on the work that you do and on your colleagues and how any problems might be overcome.
11. Once you have completed the form, you should immediately forward it to your Headteacher / Chair of Governor. A meeting will be arranged with you as soon as practically possible after receipt of your application to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.
12. If you require assistance with your application, please contact Education Human Resources Section.

Flexible Working Notice of Withdrawal

Full Name of Employee:	
Name of School:	
Post:	
Pay Ref. No:	

Note to employee:

This form provides notification to the School / Chair of the Governing Body that you wish to withdraw your application for Flexible Working.

Dear: _____

I wish to withdraw my application to work flexibly which I submitted to you on _____.

I understand that I will not be able to make another application until twelve months after the above date.

Name: _____ Date: _____

Now Return this form to your Headteacher / Chair of the Governing Body

Date application received by Headteacher / Chair of the Governing Body:	
---	--

Flexible Working Appeal Form

Full Name of Employee:	
Name of School:	
Post:	
Pay Ref. No:	

Note to employee:

If your application has been turned down, you may appeal against this decision. If you wish to do so, you must submit your appeal within 10 working days of receiving written notice that your application for flexible working has been turned down. You can use this form to make your appeal. You should set out in detail the grounds on which you are appealing.

Dear: _____

I wish to appeal against your decision to refuse my application for Flexible Working. I am appealing on the following grounds :

(Please continue on a separate sheet if necessary)

Name:

Date:

Now Return this form to your Headteacher /Chair of the Governing Body

Date application received by Headteacher/Chair of the Governing Body:	
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