# FLEXIBLE WORKING POLICY & PROCEDURE

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<th>Flexible Working Policy &amp; Procedure</th>
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<tr>
<td>Author</td>
<td>Georgina Goodman</td>
</tr>
<tr>
<td>Author’s Job Title</td>
<td>Strategic HR Business Partner</td>
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<td>Human Resources</td>
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<tr>
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<tr>
<td>Owner</td>
<td>Jacqui Bate</td>
</tr>
<tr>
<td>Owner Job Title</td>
<td>Director of Human Resources, OD and Communications</td>
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## FLEXIBLE WORKING POLICY & PROCEDURE

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**APPENDIX 1 – Flexible Working Request Form**

**APPENDIX 2 – Equality Impact Assessment**
1 POLICY STATEMENT

1.1 The Trust believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available. The Trust recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. It also recognises that staffing levels must at all times remain in line with the demands of the business and may also at times request that staff work more flexibly to meet the needs of the business.

1.2 This policy statement aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Trust and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Trust’s efficiency and productivity. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the Trust, but also raising possible drawbacks and areas of potential concern.

1.3 The policy statement considers the following options, but the Trust recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- Job-sharing
- Part-time working
- Annualised hours
- Compressed hours
- Term-time working
- Voluntary reduced working time (V-time)
- Career breaks

2 THE BUSINESS NEED

2.1 Although the Trust is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Trust.

2.2 Where an instance of flexible working is proposed, the Trust will need to take into account a number of criteria including (but not limited to) the following:

- The cost of the proposed arrangement
- The effect of the proposed arrangement on other staff
- The level of supervision that the post-holder requires
- The structure of the department and staff resources
- Other issues specific to the individual’s department
• An analysis of the tasks specific to the role, including their frequency and duration
• An analysis of the workload of the role

3 ELIGIBILITY

3.1 Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the Trust’s workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Trust will be considered for flexible working regardless of their age, sex, sexual orientation, race or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns – each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.

4 RIGHT TO REQUEST FLEXIBLE WORKING

4.1 From 6 April 2003, The Employment Act 2002 introduced a right for employees with 26 weeks’ continuous service, a child under the age of 17 (18 where the child is disabled) and parental responsibility for the child to request a change to the number of hours that they work, the times that they work or their place of work. The right to request flexible working is available to employees who have a minimum of 26 weeks’ continuous service and who have caring responsibility for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address also have the right to request flexible working.

4.2 Whilst it is the Trust’s policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

5 THE FLEXIBLE WORKING OPTIONS

5.1 Job Sharing

An arrangement whereby two part-time employees share the responsibility of one position. In a ‘shared responsibility’ arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other one left off, while in a ‘divided responsibility’ arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

5.2 Part-Time Working

A system whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of work in question. There are enormous variations to part-time working. Examples are later start or earlier finish times, afternoons or mornings only, and fewer working days in the week.

5.3 Annualised Hours

A system whereby the employee’s contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.
Usually the hours are divided into rostered hours, which are set, and reserve hours, when the employee can be called in to work as demand dictates (and to cover unplanned work and employee absence). Payment is usually in 12 equal installments.

5.4 **Compressed Hours**

A system whereby that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days.

5.5 **Term-Time Working**

A system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays. Salary is usually paid in 12 equal monthly installments, and the contract usually specifies that no annual holiday should be taken during term time.

5.6 **Voluntary Reduced Working Time (V-Time)**

A system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to full-time hours at the end of this period.

5.7 **Career Breaks**

A system whereby the employee has an extended period of time away from paid work, often with a guarantee of a return to the same or a similar job at the end of the time. Please refer to the separate Career Break Policy for further information.

5.8 **Swapping Hours**

A system whereby employees can swap hours or shifts with colleagues doing the same type of work at different times of the day.

5.9 **Flextime**

A system that permits flexibility of working hours at the beginning and end of a day or shift. Employees must work designated core hours and complete an agreed number of hours over an agreed period, usually a month. Because of the nature of the service provided by the Trust there are areas where flextime cannot be accommodated due to the needs of the service. Individual requests to work flextime will not be considered by the Trust and a flextime system will only be considered on a ‘whole team’ basis where the needs of the service will not be adversely affected.

Any ‘local’ flextime schemes in operation in the Trust are subject to Annual Review and may be withdrawn if the needs of the Trust are being adversely affected.

5.10 **Working From Home**

A system whereby the employee carries out a proportion of his/her duties from home rather than on the Trust’s premises. Because of the nature of the service provided by the Trust there are large areas where requests to work from home cannot be accommodated as a contractual arrangement. However, Managers, at their discretion, may agree to the occasional day at home to coincide with a domestic requirement. Or, in a limited number of posts Managers may agree a contractual arrangement for working from home for an agreed period. To ensure the principles of Information Governance (IG) are adhered to, Managers and staff are required to make the necessary arrangements to ensure all
confidential information remains secure at all times during this arrangement.

6 PROCEDURE

6.1 Employees who wish to request flexible working should complete the Flexible Working Request Form (Appendix A), detailing the flexibility required and the impact upon the service.

6.2 The employee’s line manager will respond and arrange to meet with the employee no later than 28 days after the request was received. At this meeting the individual will have the opportunity to explain the reasons for the request and what flexibility they require. The employee may be accompanied at this meeting if they wish by a colleague, friend not acting in a legal capacity or Trade Union rep.

6.3 The content of the meeting should also include a discussion about the contractual issues; hours, minimum unpaid breaks in line with the European Working Time Regulations, health and safety issues, training requirements, changes to annual leave entitlement and any other terms and conditions affected following the proposed change.

6.4 Advice may be sought from HR Department or payroll as appropriate.

7 CONSIDERATION AND DECISION

7.1 Following the meeting, the line manager will write to the employee within 14 days to inform them of the outcome of the request and the reason for this decision.

7.2 If the request is granted, this should also include any special requirements upon the employee, for example, attendance at work outside the revised hours to attend training sessions/meetings etc.

7.3 The Flexible Working Request Form and any related paperwork should all be retained on the individual's personal file. The manager must complete a P3 to notify payroll of any changes.

8 TRIAL PERIODS

8.1 In some circumstances the manager and/or employee may have reservations about the potential success of a new arrangement. In these circumstances, the manager may agree to a trial period of up to three months to assess the impact of the arrangement. There should be a midway review to discuss whether:

1) the arrangement is likely to continue at the end of the trial
2) there needs to be some adjustment to allow the arrangement to continue
3) the arrangement is likely to cease and the employee reverts to their original hours/pattern of work at the end of the trial period

9 REASON FOR DECLINING A REQUEST

9.1 Whilst the Trust will make every effort to accommodate requests for flexible working, there will be times when requests are turned down. Any refusal to a request must be explained to the applicant and must be based on one or more of the following reasons:

• The cost burden to the Trust/Service cannot be borne
• There will be a detrimental effect on the ability of the Trust/Service to meet patient/client needs
• An inability to reorganise work amongst existing staff
• An inability to recruit additional staff
• A detrimental impact on quality or performance
• Insufficient work at the times requested to work
• Planned structural changes
• A detrimental impact on other staff

10 APPEALS PROCEDURE

10.1 An employee who has had their request refused by their line manager can appeal using the Trust's Grievance procedure. The employee must appeal in writing within 14 days after the date on which the manager confirmed in writing their decision, and must state the grounds of the appeal.

11 RIGHTS OF EMPLOYEES

11.1 Employees are protected against detrimental treatment for exercising or enforcing their rights to request flexible working and it is also automatically unfair to dismiss such employees or select them for redundancy on the grounds of requesting flexible working hours.

12 COUNTER FRAUD AND CORRUPTION:

12.1 The Fraud Act 2006 states that a person is guilty of fraud if he/she is in breach of the sections listed below:

• Fraud by false representation
• Fraud by failing to disclose information, and
• Fraud by abuse of position.

12.2 The Trust has an accredited Local Counter Fraud Specialist (LCFS) who is responsible for investigating all suspected cases of fraud. If you wish to contact the Trust's LCFS, please contact the LCFS by phone on ext 3945 or e-mail; julian.church@gehkl.nhs.uk or julian.church@nhs.net.

12.3 An alternative to this to is to contact the NHS Fraud and Corruption Reporting Line on 08000 28 40 60.

13 EQUALITY IMPACT ASSESSMENT

13.1 This Policy has been assessed for Equality Impact and is attached.

14 REVIEW

14.1 This policy will be reviewed in accordance with the review date.
This form should be completed and forwarded to your manager. A meeting will be arranged to discuss your request and the content of this form. You will be advised of the decision in writing within 14 days of the date of the meeting.

Name:
Band:
Post Title:
Department:
Date of joining the Trust:
Current hours worked per week and working pattern:

Please state the reason/s for this request

Proposed new hours
Proposed working pattern

Any proposed reduction in hours to be worked? Yes / No
Is your request for a temporary or permanent change? If temporary, please state duration of change.

Proposed effective date

How will you be able to continue to perform all current duties within the proposed working pattern?

If you will not be able to perform all duties, what duties will be affected?
What suggestions do you have on how such duties can be reallocated?

<table>
<thead>
<tr>
<th>To help your manager consider your application and alternative ways of providing a service, please outline how your request will affect the following:</th>
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<tbody>
<tr>
<td>Direct patient care (where applicable)?</td>
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<tr>
<td>Customer / client service?</td>
</tr>
<tr>
<td>Colleagues who may have to cover at times when you would previously have been on duty?</td>
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<tr>
<td>Contact with your line manager/supervisor?</td>
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<tr>
<th>If your role involves management of staff how will this proposal affect your delivery of:</th>
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<tr>
<td>Supervision:</td>
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<tr>
<td>Performance appraisal:</td>
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<td>Training:</td>
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<td>Communication:</td>
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<td>Staff support:</td>
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<tr>
<th>Employee’s signature</th>
<th>Date</th>
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MEETING WITH MANAGER

Date:

Present:

Outcome of discussion:

Proposal: agreed/declined

If declined – reason/s for decision:

Trial period (if applicable)

Monitor/review period (if applicable)

P3 completed Yes / No

Manager’s signature: ___________________________ Date: ____________

Employee’s signature: ___________________________ Date: ____________
## EQUALITY IMPACT ASSESSMENT TOOL

### STAGE 1 – SCREENING

| Name & Job Title of Assessor: Georgina Goodman HR Business Partner | Date of screening: January 2011 |
| Policy or Function to be assessed: Flexible Working Policy |

<table>
<thead>
<tr>
<th>Yes/No</th>
<th>Comments</th>
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<tr>
<td>1. Does the policy, function, service or project affect one group more or less favourably than another on the basis of:</td>
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<tr>
<td>Race &amp; Ethnic background</td>
<td>No</td>
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<tr>
<td>Gender including transgender</td>
<td>No</td>
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<tr>
<td>Disability</td>
<td>No</td>
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<tr>
<td>Religion or belief</td>
<td>No</td>
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<tr>
<td>Sexual orientation</td>
<td>No</td>
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<tr>
<td>Age</td>
<td>No</td>
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2. Does the public have a perception/concern regarding the potential for discrimination? | No | There is no known reason for the public to have any concerns re this policy |

If the answer to any of the questions above is yes, please complete a full Stage 2 Equality Impact Assessment.

**Signature of Assessor:** Georgina Goodman, HR Business Partner  
**Date:** January 2011

**Signature of Line Manager:** Ian Vince, Deputy Director of HR & OD  
**Date:** January 2011
FLEXIBLE WORKING POLICY - KEY CHANGES

Section 4.1 has been amended as the right to request flexible working is available to employees who have a minimum of 26 weeks’ continuous service and who have caring responsibility for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address also have the right to request flexible working.

Section 5.8 is a new section on Swapping hours

Section 5.9 is a new section on Flextime

Section 5.10 is a new section on Working from Home

Fraud. The Trust Local Counter Fraud Specialist (LCFS) has changed and the contact details included e.g. e-mail; julian.church@nhs.net

An Equality Impact Assessment has been carried out and is included.