# Flexible Working Policy

<table>
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<th>Version:</th>
<th>V3.1</th>
</tr>
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<tbody>
<tr>
<td>Policy Author:</td>
<td>Marinder Sangra</td>
</tr>
<tr>
<td>Designation:</td>
<td>HR Manager</td>
</tr>
<tr>
<td>Responsible Director:</td>
<td>Director of Strategy and Business Support</td>
</tr>
<tr>
<td>EIA Assessed:</td>
<td>29/10/2014</td>
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<tr>
<td>Target Audience:</td>
<td>All Staff</td>
</tr>
<tr>
<td>Approved By:</td>
<td>Policy Review Group</td>
</tr>
<tr>
<td>Approval Date:</td>
<td>25/02/2015</td>
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<tr>
<td>Ratified By:</td>
<td>Policy Review Group</td>
</tr>
<tr>
<td>Ratification Date:</td>
<td>25/02/2015</td>
</tr>
<tr>
<td>Review Date:</td>
<td>25/02/2018</td>
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1. **Introduction**

Any employee can request flexible working arrangements, however all requests will be subject to the need to deliver high quality service to patients and clients.

Staff have a statutory right to request flexible working arrangements if they have worked for the Trust for 26 weeks continuously. An employee can only make a statutory request once in any 12 month period.

Under the law, the Trust must seriously consider any requests for flexible working, but they don't have to agree the request if there's a good business reason not to. Employees have the right to ask for flexible working - not the right to have it.

The Trust wishes to maximise the opportunity for staff to work flexibly whilst maintaining complete commitment to service delivery. Where possible, the Trust will respond positively to requests for flexible working arrangements.

2. **Purpose**

The Trust is committed to and has in place arrangements for flexible working as part of work life balance.

This Policy meets the statutory requirements of the Flexible Working Regulations.

3. **Definitions**

3.1 'Flexible working' is a phrase that describes any working pattern adapted to suit the employees' needs.

Common types of flexible working are:

3.1.1 **Part-time**: working less than the normal full-time hours, perhaps by working fewer days per week.

3.1.2 **Flexi-time**: choosing when to work (there's usually a core period during which the employee has to work).

3.1.3 **Annualised Hours**: hours are worked out over a year. Staff are contracted to work a certain number of hours per year rather than per week. Hours are then allocated by their manager after discussion and agreement (see Appendix 1). However, staff would not be expected to work in excess of the Working Time Regulations.
Annualised Hours will be worked flexibly according to the needs of the service. Basic salary will be paid in 12 equal monthly instalments with any enhancements payable one month in arrears.

3.2 **Compressed Hours**: working the agreed hours over fewer days.

3.3 **Staggered Hours**: different starting, break and finishing times for employees in the same workplace.

3.4 **Job Sharing**: sharing a job designed for one person with someone else.

3.5 **Home Working**: working from home.

3.6 **Term Time Working**: working only during school term times.

4. **Duties / Responsibilities**

4.1 **Chief Executive**
The Chief Executive has overall responsibility for the Trust’s Flexible Working Policy. Operational responsibility is delegated to the Director of Strategy and Business Support.

4.2 **Director of Strategy and Business Support**
The Director of Strategy and Business Support has lead responsibility for Human Resources, including the Flexible Working Policy.

4.3 **Line Manager**
It is the line manager’s responsibility to ensure that:
- All staff are informed of the terms of this Policy.
- The policy is implemented and operated effectively and fairly.
- Positive communications are developed highlighting the benefits for staff of flexible working.
- Meetings are arranged to discuss the Flexible Working request in a timely manner.
- Relevant letters are sent to the employee in a timely manner.
- A Change of Circumstance Form is completed and forwarded to the Payroll Department.

4.4 **Human Resources**
- Flexible Working is monitored to ensure fair practices.
- Support and advice on flexible working issues is available from the HR Department.
4.5 Staff

- Staff have a responsibility to be aware of the terms of this policy.
- Staff wishing to work flexibly should make a request to their Line Manager by completing the Flexible Working form in Appendix 2.

5. Process

As a good employer the Trust believes that all staff should have the right to apply to work flexibly and therefore this process applies to all employees.

5.1 Flexible Working Request

Any request from a member of staff, to change their working pattern, should be seriously considered and dealt with in accordance with the following procedure:

The staff member needs to make a request to their manager in writing by completing the form in Appendix 2. The following information needs to be provided:

- Date of the application, the change to working patterns the staff member is seeking and when they would like the change to come into effect.
- What effect, if any, the staff member thinks the requested change would have on the service and how, in their opinion, any such effect might be dealt with.
- Confirmation of whether the staff member has made a previous application for flexible working (A staff member can only make one flexible working request in any 12 month period).

On receipt of the flexible working request, the manager should acknowledge receipt of the application form by sending the letter in Appendix 3. The manager should then arrange to meet with the staff member as soon as possible after receiving the form to discuss the request. If the manager intends to approve the request and does not anticipate any difficulties, the request can be agreed without having a meeting.

If a meeting is required the line manager will acknowledge receipt of the application and hold a meeting with the employee and Human Resources to consider the request as soon as possible (preferably within 28 calendar days of receiving the application). The employee can request to be accompanied by a trade union.
representative, staff organisation or professional association, or work colleague/ friend not acting in a professional capacity at the investigatory interview.

At the meeting the request needs to be discussed with the employee to gain a better idea of what changes the employee is looking for and how this may benefit the service and the employee.

5.2 **Monitoring of Annualised Hours**
Hours worked will be reconciled on a quarterly basis to ensure that at the end of the year an individual has not over or under worked the agreed hours. If hours monitored demonstrate that the individual has worked under the hours required, additional hours will have to be worked. If an individual has exceeded the hours required the Trust will pay for additional hours worked. The individual must also take responsibility for monitoring their hours worked (until automated rostering is in place, records should be kept with the line manager and agreed monthly with the member of staff concerned).

5.3 **Request Approved/Accepted with modifications**
The employee must be notified of this decision in writing and it should also be discussed with the staff member how and when the changes will need to be implemented. A trial period and review date should also be agreed in line with sections 5.9 and 5.10 where warranted.

5.4 **Request not Approved**
If the manager is unable to approve the request or agree a mutually acceptable compromise, this should be notified in writing.

5.5 **Final Decision**
Once the final decision has been made, the manager should write to the employee as soon as possible following the meeting (preferably within 14 calendar days of the final meeting) confirming either:

- That the request has been approved including details of the arrangements (the letter at Appendix 4 should be used for this purpose) or

- That the request has not been approved with an explanation why, detailing the justifiable business reasons for the decision, giving the employee the right to raise the issue through the appeals process of the Flexible Working Policy (the letter at Appendix 5 should be used for this purpose).
5.6 **Justifiable Business Reason**
When a request has not been approved, there needs to be a justifiable business reason for this decision. Full details of this reason should be given to the employee as follows:

- The burden of any additional costs is unacceptable to the organisation.
- An inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- The change will have a detrimental impact on quality.
- The change would have a detrimental effect on the business ability to meet customer demand.
- Detrimental impact on performance.
- There is insufficient work during the periods the employee proposes to work.
- Planned structural changes, for example, where the manager intends to reorganise or change the service and considers the flexible working changes may not fit with these plans.

5.7 **Appeal**

5.7.1 If an employee does not agree to the stated ‘justifiable business reason for not agreeing to flexible working then the individual has the right to appeal. The appeal should be made to the relevant Senior Manager as soon as possible (preferably within 14 calendar days) after the date of the notification of the line manager’s decision, giving the grounds for the appeal (the letter at Appendix 6 should be used for this purpose).

5.7.2 The Senior Manager needs to arrange for the appeal to be heard as soon as possible (preferably within 14 calendar days) after receiving notice of the appeal. The employee will be entitled to be accompanied by a work colleague or trade union representative.

5.7.3 The Senior Manager needs to inform the employee of the outcome of the appeal as soon as possible after the date of the appeal hearing (preferably within 14 calendar days). The letter at Appendix 7 and 8 should be used for this purpose depending upon whether the appeal is accepted or rejected.

5.8 **Timeframes:**
It is required by law that all requests, including appeals, must be considered and decided on within a period of 3 months from first receipt, unless the manager agrees to extend this period with the
employee. For this purpose preferable timescales for each stage in
the process to be completed by has been provided as a guide.

5.9 **Trial Period**
At any time throughout the process it may be appropriate to
arrange a trial of the working arrangements. This will enable the
manager and the employee to identify any issues with the
arrangement and thus contribute to the overall decision-making
process. The trial should be for a period of up to 3 months and the
arrangements should be reviewed regularly.

5.10 **Reviewing Flexible Working Arrangements**
All flexible working arrangements should be reviewed regularly (and
on at least an annual basis through an individual meeting or the
annual appraisal) to ensure that they are working satisfactorily, the
arrangement is not having a detrimental impact on the service, and
that any issues are raised and resolved as soon as possible. Any
changes made should be subject to full consultation between the
manager and employee and implemented from an agreed date. In
the event of a restructure or other organisational change in a
service, it cannot be assumed that existing flexible working
arrangements will continue, however, managers will try to
accommodate requests where possible in line with this policy.

5.11 **Withdrawal of Application**
The Trust may consider an application for flexible working
withdrawn where the employee:

- Withdraws the application.
- Doesn’t attend two meetings arranged in respect of the first
  meeting or the appeal meeting without reasonable cause.
- Unreasonably refuses to supply the Trust with the required
  information if the Trust makes the decision to withdraw the
  application the employee must be notified of this decision.

6. **Consultation**
This policy has been developed in consultation with Staff Side, HR Policy
Group and Trust staff via the intranet.

7. **Implementation**
Managers are responsible for ensuring that this policy is implemented into
working practice within their areas.

8. **Training and Support**
There are no training requirements needed in order to implement this
policy. Advice / support can be sought from the HR Department.
9. **Review**
   This policy will be reviewed by the Policy Author at least 3 yearly or earlier if there are changes to legislation or national/local requirements or organisational change.

10. **Monitoring Compliance**

<table>
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<tr>
<th>Aspect of compliance or effectiveness being monitored</th>
<th>Monitoring method</th>
<th>Individual department responsible for the monitoring</th>
<th>Frequency of the monitoring activity</th>
<th>Group / committee which will receive the findings / monitoring report</th>
<th>Group / committee / individual responsible for ensuring that the actions are completed</th>
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<tbody>
<tr>
<td>Flexible working arrangements are reviewed in line with this policy at least annually</td>
<td>Review</td>
<td>Managers</td>
<td>At least Annually</td>
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<td>N/A</td>
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11. **References**
   - The Work and Families Act 2007
   - Employment Rights Act 1998
   - ACAS Code of Practice on Handling in a reasonable manner requests to work flexibly

12. **Trust Associated Documents**
   - Grievance Policy
   - Sickness Policy
### 13. Version Control

<table>
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<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Status</th>
<th>Comments</th>
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<tr>
<td>V1.0</td>
<td>June 2008</td>
<td>HR Department</td>
<td>Approved</td>
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<td>V2.0</td>
<td>January 2012</td>
<td>Andrea Gay</td>
<td>Draft</td>
<td>Reviewed as part of policy harmonisation. Flexible Working Policy and Annualised Hours Policy merged into one Policy.</td>
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<tr>
<td></td>
<td></td>
<td>Family Care Coordinator</td>
<td></td>
<td></td>
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<tr>
<td>V2.1</td>
<td>March 2012</td>
<td>Andrea Gay</td>
<td>Draft</td>
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<td></td>
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<td>Family Care Co-ordinator</td>
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<td>V2.2</td>
<td>16/05/2012</td>
<td>Rena Reeves, Human Resources Manager</td>
<td>Draft</td>
<td>Amended section 5.8 following PRG. Back to JNCC.</td>
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<td>V2.3</td>
<td>6/10/2014</td>
<td>Marinder Sangra, Human Resources Manager</td>
<td>Draft</td>
<td>Amended Policy in line with new legislation and ACAS code of practice on handling in a reasonable manner requests to work flexibly</td>
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<td>V3.1</td>
<td>30/03/205</td>
<td>Marinder Sangra, HR Manager</td>
<td>Approved</td>
<td>Policy Review Group amendments.</td>
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14. Equality Impact Assessment

**DOCUMENT / PROJECT NAME:** Flexible Working Policy

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<th>Yes / No</th>
<th>Comments</th>
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<tr>
<td>1. Does the document affect one group less or more favourably than another on the basis of:</td>
<td></td>
<td></td>
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<tr>
<td>Race</td>
<td>No</td>
<td></td>
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<tr>
<td>Human Rights</td>
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<td></td>
</tr>
<tr>
<td>Gender (inc gender reassignment)</td>
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<td></td>
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<tr>
<td>Religion or Belief</td>
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<td></td>
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<tr>
<td>Sexual Orientation</td>
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<td></td>
</tr>
<tr>
<td>Age</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Disability (learning disabilities, physical disability, sensory impairment and mental health)</td>
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<td>2. Is there any evidence that some groups are affected differently?</td>
<td>No</td>
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<tr>
<td>3. If you have identified potential discrimination are there any expectations valid, legal and / or justifiable?</td>
<td>No</td>
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<tr>
<td>4. Is the impact of the document / guidance likely to be negative?</td>
<td>No</td>
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<td>5. If so, can the impact be avoided?</td>
<td>N/A</td>
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<tr>
<td>6. What alternative is there to achieving the document / guidance without the impact?</td>
<td>N/A</td>
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<td>7. Can we reduce the impact by taking different actions?</td>
<td>N/A</td>
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<td>8. How has the consultation taken place and who with?</td>
<td>On the Intranet for 2 weeks</td>
<td>Who with: Staffside, JNCC, all staff via the Intranet</td>
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<td>10. <strong>Date of the Assessment:</strong></td>
<td>29/10/2014</td>
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If you have identified a potential discriminatory impact on this procedural document, please refer it to the author / Lead, together with any suggestions as to the action required to avoid / reduce this impact. For advice in respect of answering the above questions, please refer to the EIA guidance notes on the Equality and Diversity Intranet Page.

*Please return to the Equality and Diversity Department*
Appendix 1

Agenda for Change – Annual Attendance Hours Calculation

**Full Time employee with 10 years NHS Service**

Total Hours: 37.5 (hours per week) X 52.143 (weeks in a year) = 1955 (Total paid hours per year)

Annual Leave: 37.5 (hours per week) at 33 days leave entitlement = 247.5

Bank Holidays: 37.5 (hours per week) at 8 bank holidays = 60

Actual Hours to be worked = 1647.5

**Part time employee (28 hours per week) with 10 years NHS service**

Total Hours: 28 (hours per week) X 52.143 (weeks in a year) = 1460 (total hours a year paid)

Annual Leave: 28 (hours per week) at 33 Days leave entitlement = 185

Bank Holidays: 28 (hours per week) at 8 bank holidays = 45

Actual Hours to be worked = 1230
Appendix 2

APPLICATION FORM TO REQUEST A CHANGE IN WORKING ARRANGEMENTS

This application form should be used to make a request to work flexibly. Please ensure to submit your request as soon as possible as it could take some weeks to consider your request. You should ensure that you submit your application well in advance of the date you wish the request to take effect.

Once you have completed the form, you should forward it to your line manager (you might want to keep a copy for your own records). Your line manager will then arrange a meeting with you once your form is received to discuss your request as soon as possible (preferably within 28 calendar days). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed. You may wish to discuss this with your Trade Union Representative.

<table>
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<th>Personal No:</th>
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<tr>
<td>Start Date with CWPT:</td>
<td>Job Title:</td>
</tr>
<tr>
<td>Base:</td>
<td></td>
</tr>
<tr>
<td>Manager:</td>
<td></td>
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Describe your current working pattern (days/hours/times worked):

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

I would like this working pattern to commence from:

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

Accommodating the new working pattern: I think the effect on my employer and colleagues can be dealt with as follows:
I would like to apply to work a flexible working pattern that is different to my current working pattern which is my right under the Employment Rights Act 1996.

I can confirm the following:

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months

<table>
<thead>
<tr>
<th>Name: …………………………..</th>
<th>Date:………………………..</th>
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<tbody>
<tr>
<td>Signed:………………………..</td>
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PLEASE FORWARD COMPLETED APPLICATION FORM TO YOUR LINE MANAGER
Appendix 3

Date
Dear

Acknowledgement of Application for Flexible Working

I confirm that I received your request to change your work pattern on ……………………

I shall be arranging a meeting to discuss your application as soon as possible following this (preferably within 28 days calendar days).
In the meantime, you might want to consider whether you would like a colleague to accompany you at this meeting.

Yours sincerely
Appendix 4

Date

Dear

Flexible Working Application – Acceptance

Following receipt of your application and our meeting held on (date), I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application.*

I am unable to accommodate your original request. However, I am able to offer this alternative pattern which we have discussed and you agreed would be suitable for you.*

(*delete as appropriate).

Your new working pattern will be as follows:

Your new working arrangements will begin on (date).

You should note that this change in your working pattern will be a permanent change to your terms and conditions of employment and you will have no right in law to revert back to your previous working pattern.

If you have any questions on the information provided in this letter, please contact me to discuss them as soon as possible.

Yours sincerely
Appendix 5

Date

Dear

**Flexible Working Rejection**

Following receipt of your application and our meeting (date), I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request on the following business Ground (s):

The grounds apply in the circumstances because:

If you are unhappy with this decision, you may appeal against it. If you wish to appeal you should write to (name), General Manager, (preferably within 14 days of receipt of this notification) giving the grounds for your appeal.

Yours sincerely
Appendix 6

Date:
Dear

**Appeal**

I wish to appeal against the decision of (name) to refuse my application for flexible working. I am appealing on the following grounds:

Yours sincerely
Appendix 7

Date:

Dear

Appeal Decision – Acceptance

Following our meeting on (date), I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern (*an agreed variation to your original request) as follows:

Your new working arrangements will begin from (date).

You should note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

Yours sincerely

(* delete as appropriate)
Appendix 8

Date

Dear

Appeal Decision – Rejection

Following our meeting on (date), I have considered your appeal against the decision to refuse your application for a flexible working pattern.

I am sorry that I must reject your appeal on the following business grounds:

The grounds apply because:

Yours sincerely
Appendix 9

Date:

Dear

Notice of Withdrawal of Application for Flexible Working

I wish to withdraw my application to work flexibly which I submitted to you on (date).

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

Yours sincerely
Appendix 10

Date:

Dear [Name],

**Confirmation of Receipt of Withdrawal**

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to us on (date).

Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.

Yours sincerely,