FLEXIBLE WORKING POLICY

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<tr>
<th>Reference</th>
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<tr>
<td>Category</td>
<td>HR/Occupational Health</td>
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<td>31-07-2016</td>
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### POLICY PROFILE

#### Overview

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<th>Provision of guidance of various circumstances for employee flexible working.</th>
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<td>All employees</td>
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<td>Application</td>
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<td>Accountable Executive Director</td>
<td>Chief Nurse, Executive Lead for Workforce</td>
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<td>Author(s)</td>
<td>HR Manager</td>
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#### DOCUMENT CONTROL AND HISTORY

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<th>Reason for Change e.g. full rewrite, amendment to reflect new legislation, updated flowchart, etc.</th>
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## FLEXIBLE WORKING POLICY

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1.0 Introduction

The benefits of Flexible Working in terms of retention, productivity and improved morale can be significant. Being flexible about the way people work, supporting and looking after the welfare of the workforce means that employees are more likely to stay with their employers and return after a spell away - thus reducing the costs associated with the recruitment process, as well as retaining valuable skills and experience. These practices are backed up by employment legislation including the Employment Relations Act (Amendment 2005), the Employment Act 2002: Flexible Working, and the Work & Families Act 2006.

Not only does flexible working open up opportunities for parents and people with carer responsibilities but it is relevant to many other people in the workforce at various stages of their working life. Employees may prefer different working patterns for reasons such as further education, voluntary work or other interests outside the workplace.

Recent research conducted by the Cochrane Library found that employees who felt they had control over the hours which they worked could have better physical and mental health which could lead to reduced sickness rates and a happier, healthier workforce.

The Trust recognises the importance of providing flexible working arrangements that provide more scope and flexibility in the workforce to meet the changing demands of current services and service developments in the future, and to enable employees to alter the balance between work and life away from work in keeping with the recommendations of the NHS Health and Well Being Review (Boorman November 2009) and Agenda for Change terms and conditions of service handbook (updated Jan 2010).

The fact that some employees have a statutory right to request flexible working does not mean that those employees that do not, have any less right to have their request considered or that a more favourable outcome is necessarily expected in the case of staff with statutory rights.

2.0 Objectives

2.1 To provide a constructive and supportive environment and process for supporting the development of a flexible workforce.

2.2 To provide a framework to enable managers to support employees in a consistent manner when making a request for flexible working.

2.3 To raise awareness of the importance of flexible working both to individuals and the organisation of developing a flexible working culture.
2.4 To support the achievement of the Trust’s Health and Well Being Strategy.

3.0 Scope

3.1 This policy applies to all Trust employees.

4.0 Definitions

4.1 Flexible Working

A term that describes any working pattern, temporary or permanent developed in recognition of the need for employees to balance work and home life requirements.

4.2 Statutory Right to Request Flexible Working - employees who meet the following conditions: -

- Have parental care responsibility for a child under the age of 17; or
- Have parental care responsibility for a disabled child who is under the age of 18 and who is in receipt of disability living allowance (DLA); or
- Have care or expect to have care responsibility for an adult dependant over the age of 18.
- Have worked continuously for 26 weeks or more for the Trust.

5.0 Roles and Responsibilities

5.1 Chief Executive

a) Ensure the provision of adequate resources to enable the effective implementation of this policy

5.2 Chief Nurse, Executive Lead for Workforce

a) Ensure the effective implementation of this policy
b) Ensure the provision of adequate Human Resource guidance to enable the effective implementation of this policy

5.3 Line Managers:

a) To understand and adopt the standards set out within the policy
b) To communicate the requirements and expectations of this policy to their employees.
c) To encourage an engaged and productive style of management that allows the development of creative and workable solutions which meet both the needs of the individual and of the organisation.
d) To apply the provisions of this policy in a fair and consistent manner.
e) Must not subject any employee to any detriment for seeking to exercise any of their statutory rights contained with this policy.
f) To consider the impact on service provision when considering a request for flexible working.
g) To provide written responses where indicated within the policy
h) Manage the statutory/permanent application process within the timescales outlined within this policy.

5.4 Workforce Directorate

a) To provide information and guidance to encourage a consistent and fair approach.
b) To support and promote the development of a management culture that encourages flexible working.
c) To monitor the effectiveness of this policy via staff feedback e.g.: national staff survey and receipt of statutory applications.

5.5 Employees Responsibility

To consider their application for flexible working as part of a team and in light of any effect it may have on the department’s ability to deliver a service to expected standards and the impact it may have on work colleagues and wherever possible, if their proposed flexible working option cannot be agreed, to work with their Manager and colleagues with the aim of agreeing an acceptable compromise.

5.6 Trade Unions

To support and advise members where requested and to promote flexible working wherever possible.

6.0 General Principles.

The majority of Flexible Working arrangements do not need to be permanent and should not constitute a contractual change. Short term flexible working arrangements can be in place for brief periods or on an occasional basis and employees should feel free to discuss flexible working arrangements with Managers without the need to complete forms or comply with time deadlines when the need for flexibility may be a short term one or in the immediate future. Managers should
feel free to discuss and develop creative solutions with employees to meet this need and also the needs of the business.

All employees in a department or working area, wherever possible, should be consulted and involved with both short term and long term flexible working arrangements affecting one or more members of their working group.

Proactive discussion of the ways in which flexible working might help employees achieve a work life balance and address other concerns such as carer responsibilities should be encouraged in team meetings to create a culture where flexible working is not seen as an exceptional occurrence. It is important that all employees know that their requests for flexible working whether short or long term are given due consideration and that wherever possible these should be granted.

Managers and employees should always seek to agree a flexible working arrangement informally in the first instance; should this not be possible, or if the Manager is unable to agree to the proposed change or any reasonable alternative, then the employee may seek to resolve the issue by involving the next in line Manager, Human Resources or their Trade Union representative in an attempt to resolve matters as soon as possible.

Any agreed flexible working arrangement lasting longer than one week should be recorded on the employees personal file. Flexible working arrangements agreed on a permanent basis should be confirmed in writing to the employee and a copy kept on the personal file.

**Overarching Criteria and Considerations**

Although each specific proposal must be decided upon its own merit, the following considerations should be applied to all circumstances by both Manager and employee:

a) Will the flexible working option support the employee and team’s health and well being?
b) Has the impact of the flexible working option been discussed openly with the team that it affects?  
c) Will the proposed method of working support the provision of high quality care?  
d) Will it be necessary/possible to move some of the work associated with the specific post to other job functions within the same department?  
e) Is the change in the interests of the team as a whole?  
f) Will the conversion to flexible working result in any loss of continuity essential for the successful operation of the post?
g) Will flexible working present any specific management difficulties that cannot be resolved?  
h) Will the proposed flexible working option lead to any specific detriment to the individual or the Trust.
i) is flexible working being applied fairly and consistently within the team/department.

j) What are the implications for the individual if the request is refused? How might the Manager help with this?

The following issues should also be considered when deciding which flexible working is most appropriate:

- Ensure other employees involved are aware of the agreed option if it is likely to impact on their day to day working, e.g. if someone is offered a working pattern which involves an increase in weekend and night shifts, this could disadvantage other employees in the area who may have less opportunity to work on the higher earning weekends and nights.
- All employees in the work place should ideally be have been engaged in decisions regarding changes to working arrangements. It is accepted that this may not be practicable where the flexible working requirement is of an urgent need or on a very short term basis.
- Team meetings - may need to be altered as some individuals could potentially be excluded.
- Arrangements to deal with absences, lateness etc should be in place if contact with line manager is limited.
- If an employee is going to be absent from their workplace for significant periods, arrangements need to be made in covering or re-distributing their work.
- Be fully aware of and allow for any significant financial implications.
- Ensure that the employee’s attendance of Mandatory and other work related training is facilitated as part of this process.

7.0 Health and Safety/ Clinical Risk Considerations

Line managers must during the consideration of any flexible working requests assess any risk concerns arising as a result of the proposed change. Careful consideration must be taken with regarding to the Trust's obligations in relation to the Working Time Regulations and Health and Safety guidance.

8.0 Equality

The Trust recognises the diversity of the local community and those in its employ. Our aim is, therefore, to provide a safe environment free from discrimination and a place where all individuals are treated fairly, with dignity and appropriately to their need.

9.0 Review
This policy will be reviewed in three years time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation.

10.0 Training and awareness

Guidance and support can be sought from HR Department representatives. In addition Managers will be encouraged to engage with teams and individual employees regarding flexible working options.

11.0 Monitoring Effectiveness/Key Performance Indicators

The implementation of this policy will be monitored by the HR Department via staff feedback, e.g. national staff survey.

The Trust has a responsibility, in line with Agenda for Change terms and conditions, to monitor all formal applications for flexible working and to ensure that access is equitable and fair. This will be undertaken by the Human Resource department.

Monitoring feedback on the implementation of this policy will be reported bi-annually to the Trust’s Health and Well Being Committee.

12.0 References and relevant policies

12.1 The following may be referred to for further information and guidance:

- Family Leave Policy HR/002
- Employment Break Policy and Procedure HR/024
- Grievance & Disputes Policy HR/007
- Agenda for Change terms and conditions handbook: Section 34 – Flexible Working Arrangements

12.2 The provisions set out in this policy are governed and informed by the following statues, regulations and publications:

- Working Time Regulations 1998
- Employment Rights Act 1996
- The Employment Act 2002
- The Flexible Working (Eligibility, Complaints and Remedies) Amendment Act Regulations 2009
- Health and Safety at Work Act 1974
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995
- Part time Workers (Prevention of Less Treatment) Regulations 2000
- Civil Partnership Act 2004
- NHS Health and Well-being November 2009
- The Equality Act 2010

### 13.0 Appendices

Appendix 1: Sample Flexible Working Options
Appendix 2: Term Time Working Procedures
Appendix 3: Flexible Working - Application Form
Appendix 4: Sample letter – Confirmation of Consideration/Outcome of Flexible Working Request
Appendix 5: The Statutory/Permanent Change Application Process
Appendix 6: Appeal Process

### 14.0 Further Enquiries

For further information or advice about the implementation of this policy individuals should contact the Human Resource department.
Appendix 1: SAMPLE FLEXIBLE WORKING OPTIONS

Employees will be able to request:

- **Reduced Hours**

  a) Reduced hours working enables employees to continue to work when they are unable to fulfill the demands of full time working, for example, due to caring responsibilities. They can also be attractive to people who are able to work but are simply not interested in, or not able to work full time hours.

  b) Providing reduced hours can help:

     - retain employees who might otherwise leave
     - maintain continuity of input from such individuals
     - provide greater flexibility in staffing wards and departments

- **Part-Time Working**

  a) This is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full time employee.

  b) The terms and conditions of part-time employees, such as pay and annual leave, are pro-rata to those of full time employees.

- **Job-Share**

  a) This is normally where two people share the duties and responsibilities of one full time post in a partnership arrangement. Pay, holidays and other terms and conditions are on a pro-rata basis depending on each individual's length of service and the particular working arrangements of the job-share. For example, one partner may be on a higher incremental point than the other due to their longer service, one may work more contracted hours, and/or the working week may be divided so that each partner works set days or at certain times.

  b) Incremental progression, allowances and other payments are determined in line with Agenda for Change and paid pro-rata.

  c) Job-sharing requires close liaison and communication between the partners to ensure they fulfill their joint duties and deliver their responsibilities to the Trust.

  d) The way in which a job-share works must be determined by the Manager in consultation with the partners. Agreement is needed on the hours and days to be worked and how the duties will be undertaken. This must include appropriate cover arrangements for
any overlap.
f) Any excess hours worked by a partner will be determined in accordance with relevant terms and conditions.

g) If a partner leaves the job share, the manager should discuss with the remaining partner how the post may be filled. Depending on the business needs of the department or directorate, it may be mutually agreed to fill it full time or part-time, or advertise for a replacement partner. If these options are not possible and the post needs to be filled full time, the Trust will aim to transfer the partner to a suitable alternative post in accordance with the Trust’s Organisational Change policy. In the event that this is not possible, the Trust reserves the right to terminate the individual’s employment.

h) The Trust reserves the right to terminate a job-share if there is evidence that it is not working in meeting the needs of the organisation. In the event of notice being given, the Trust will explore with the partners the options in g) above.

- **Term-Time Working**

Employees who have a Term Time Only contracts are required to work during school term time only. Their annual leave is incorporated into the school holidays and they cannot take annual leave during the school term. (see Appendix 4 for a more detailed explanation)

- **'V' (Variable)-Time Working**

  a) This is where there is agreement to allow an employee to voluntarily reduce their contracted working hours and/or pattern of work for a specified period.

  b) This is normally to enable them to manage their personal or caring commitments.

  c) The terms and conditions of employees during V-time working, such as pay and annual leave, are pro-rata to those of full time employees. This will be confirmed in writing to the employee.

  d) A period of V-time will not normally last longer than three months. The conclusion of the period of V-time must be confirmed in writing and arrangements made to reinstate the appropriate terms and conditions of employment.

- **Flexible Hours Working**

  a) Flexible hours working allows employees to vary their normal working hours. This means that employees can vary their start and finish times to suit domestic responsibilities, travel arrangements or for work purposes.

  b) Managers must determine whether flexible hours working can be
accommodated in their area(s) of responsibility whilst ensuring delivery of the service to meet the needs of the patient and customers. Consideration should be given to:

- the nature and volume of work
- the number of employees to ensure that work demands during core hours are met
- the benefits of extended working hours
- the amount of additional management time required to deal with requests and supervise the arrangements
- the implications of staff working unsupervised during early or late times e.g. security, health and safety
- the impact on other employees within – and in some cases outside – the ward/department

C) Managers must monitor the number of hours worked by employees to ensure the needs of the service are met and employees work their contracted hours.

D) Where possible, managers may stagger hours to allow employees in a team to work slightly different start, finish and break times provided the requirements of the service are delivered to an acceptable standard.

**Team-Based Self-Rostering**

Team-based self-rostering is a “bottom-up” approach to scheduling work, giving employees more control over the pattern of their working week.

A) The team is collectively given the authority to schedule their working day/week within an agreed framework that details in advance the required staffing levels and skill mix to meet service needs.

B) Team members propose the times they would like to work and times they would like to protect away from work. This information is then used to compile shift patterns that match individual preferences as closely as possible, whilst maintaining agreed levels of cover at all times.

C) Before a team-based self-rostering scheme is agreed and introduced, managers should:

- assess the support among employees;
- determine whether the area of work is suitable;
- establish the reasons for introducing a scheme together with its intended benefits;
- set and agree: the parameters for minimum and maximum staffing levels; the skill and grade mix; the limits for time owing and owed; the minimum number of “core hours” that must be worked at certain times; and the maximum number of “veto hours” that an individual
can use to protect time away from work;
• provide appropriate training to the team in how to operate the scheme;
• monitor and review a trial (for between three to six months) and decide in consultation with the team whether to implement the scheme;
• ensure there is an on-going process of evaluation for the scheme;
• retain the right to return to Trust based rostering to meet the needs of the organisation to ensure delivery of service.

• Annualised Hours

An annualised hours scheme aims to achieve a more even match between supply and demand for staff by distributing hours worked to coincide with actual levels of need – flexing the working year.

a) Annualised hours can give the Trust and employees extra flexibility to vary patterns of work across each year according to service need and individual preference. The total number of hours to be worked in the full year must be agreed at the outset and in advance of any implementation. Exactly when these hours are put in each week or month is subject to agreement between the manager and members of the team.

b) Before an annualised hours scheme is introduced, managers must:

• assess the support among employees;
• determine whether the area of work is suitable;
• establish the reasons for introducing a scheme together with its intended benefits for enabling the Trust to deliver its services;
• set and agree: the parameters for minimum and maximum staffing levels; the skill and grade mix; the limits for time owing and owed; the minimum and maximum number of hours that can be worked in a week; guidelines for producing rosters and making roster changes at short notice; and a system of keeping track of hours worked;
• provide appropriate training to the team in how to operate the scheme;
• trial the scheme for an agreed period of time - normally between three to six months;
• monitor and review the trial in conjunction with the team and decide whether it is appropriate to implement;
• ensure there is an on-going process of evaluation;
• retain the right to return to Trust based standard scheduling of hours to meet the needs of the organisation to ensure delivery of service.

In addition to the above, it must be clear at the outset what the implications and arrangements are for annual leave, sick pay and when employees leave the employment of the Trust.
• **Time Off In Lieu (TOIL)**
  This is an arrangement whereby if an employee works extra hours over and above their contracted hours during busy periods, they then arrange to take the time back at a mutually convenient time. Prior agreement from the line manager is required.

• **Home Working**
  This is where it is agreed that work may be carried out within the employee’s home, taking into account IT and confidentiality requirements and where home working exceeds 3 days a week, Health and Safety considerations. Home working should only be agreed where there is no potential detriment to the service to be provided.
Appendix 2:

**Term Time Working Procedures**

**Working arrangements**

The employee works 39 weeks per year, as indicated by agreed local school open hours. The employee would need to agree at the start of the year the working weeks where they will be available for work during the year.

**Salary payment**

These are inserted in the Policy as an example and for illustration, and are not binding to individual requests.

Salaries are calculated by making 4 calculations below:

1. \[39 \text{ (number of weeks worked)} \times \text{Days worked in working week} = \text{Days worked on Term time only contract (Days TTO)}\].

2. \[\frac{365.25 \text{ (days in year)}}{7} \times \text{Days in working week} = \text{Days worked per year on all year round contract (Days AYR)}\].

3. Days TTO [Calculation 1] + Annual Leave entitlement + Bank Holiday entitlement + Accrued Leave entitlement (Where applicable) = Total days paid per annum
(4) Total days paid per annum [Calculation 3] / Days AYR [Calculation 2] x 100 =
Percentage of full salary received.

For example, an administrative member of staff, working:

5 days per week

27 days Annual Leave

8 days Bank Holiday

(1) $39 \times 5 = 195$
(2) $365.25 / 7 \times 5 = 260.9$
(3) $195 + 27 + 8 = 230$
(4) $230 / 260.9 = 88.16\%$
FLEXIBLE WORKING APPLICATION FORM (for statutory/permanent applications only)

In support of your application you need to provide as much detail as you can about your requested working pattern/arrangement, including, wherever possible, what effect you predict it may have both on the work that you do and on your colleagues. Ideally you should seek to complete the form with your line Manager to pre-empt any delays arising from concerns or queries arising later in the process.

Once you have completed your form, (and if you have not already completed this with the help of your line Manager) you should immediately forward it to your line Manager. (Keep a copy for your own records). Your manager will then have 10 days after your application is received in which to arrange a meeting with you to discuss your request.

You should note that it may take up to 4 weeks to implement an agreed request and possibly longer where operational issues need to be resolved. You should therefore ensure that you submit your application to your line manager well in advance of the date you wish the request to take effect.

If the request is granted, this will constitute a permanent change to your terms and conditions.

Name: __________________________ Date of Application: ______________________

Title & Pay band: __________________________ Division: ______________________
P/N
Area/Ward/Dept __________________________ Line Manager ______________________

Start date with NHS: ________________ Please indicate your Ethnicity (for monitoring purposes only): ________________

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

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

Further Details to Support Flexible Working Application
I would like to make an application for flexible working for the following reasons:
Describe the working pattern/arrangement you would like to work (days/hours/times to be worked)

I would like this working arrangement to commence on: (Date):

Impact of the proposed working pattern/arrangement

I think this change in my working pattern will affect the Department and colleagues as follows:

Accommodating the proposed working pattern/arrangement

I consider the effect on the Trust and colleagues can be dealt with as follows

Signed…………………………………………………. Date…………………………………………………………

Name of Employee :……………………………………………………..( Please Print)

Line Management Declaration

I received this application on (Date)  ……………………………..and arranged to meet with the applicant to discuss on (Date)  …………………………….

Application Accepted

I have fully discussed this application with the employee and am I am able to support the request as proposed above. Arrangements have been made for this to be implemented on  ……………………………..
**Application Accepted: Alternative Proposal**

I have fully discussed this application with the employee and unfortunately I was unable to support the request as proposed above for the following reason:

However, the employee and I were able to agree an alternative flexible working arrangement as detailed below and these arrangements will be implemented on ……………………………..
Appendix 4: Sample Letter – FWR - Consideration Outcome Confirmation
(statutory/permanent change requests)

Date

STRICTLY PRIVATE & CONFIDENTIAL
Name
Address
Address

Dear

Re: Flexible Working Application

I am writing to confirm matters discussed and actions agreed from the meeting held on <date> at <time>.

The purpose of the meeting was to discuss your flexible working request received on <date>.

You explained that the reason you were making this request was <reason>.

<Select the most appropriate wording>

I advised that I am unable to support your application on this occasion for the following business ground(s) <reasons – see refer to paragraph …….of policy document >.

The grounds apply in the circumstances because <insert>

I also informed you that if you wish to appeal against this decision you may do so using the Trust Grievance & Disputes Policy and Procedure at stage 3.

<Or>

I have considered your request and I am unable to accommodate your original request. However, I am able to offer the alternative arrangement which we have discussed and you agreed would be suitable to you.

Your revised working arrangement will commence on <date> and will be as follows <insert details>.

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

<Or>
I have considered your request and I am pleased to confirm that I am able to accommodate your application.

Your revised working arrangement will commence on <date> and will be as follows <insert details>.

Please note that this change in your working arrangement will be a permanent change to your terms and conditions of employment and you will have no automatic right 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

Name

Job Title

Cc: Divisional HR Manager
Appendix 5: Flexible Working – The Statutory/formal Process (to be applied where the change is not temporary)

This process should only apply where a permanent change is proposed or where statutory conditions apply. Ideally permanent flexible working arrangements should be reviewed on an agreed basis in the light of how the arrangements are working in terms of the individual's ability to work effectively and also the way in which the arrangements facilitate effective service delivery. It should be understood that flexible working arrangements may also be reviewed should there be a changing service need which dictates this or at the request of the individual.

In order for an employee’s application to be considered it must be submitted using the application form at Appendix 2:

Grounds for refusal of an application may exist if the proposed change would bring or lead to:

- Additional/unaffordable costs
- a detrimental impact on clinical risk, quality or performance
- inability to recruit additional staff
- inability to reorganise work among existing staff
- a detrimental impact upon ability to meet customer/service demand
- lack of work during the periods the employee proposes to work
- planned structural changes

It is possible to adjust the timescales in this policy by mutual consent. The line manager must make a written record of the agreement and copy to the employee.

Where an application is sent to a line manager who is absent from the workplace due to planned leave or short term sickness an automatic extension will apply. In these circumstances the period the line manager has to arrange and meet with the employee will commence either on the day the manager returns or 10 working days after the application is made, whichever is the sooner. In the case of long term absence of a line manager the request should be picked up within 10 working days by the Manager designated to pick up work for the absent Manager.

At any point during the application process the employee may withdraw their application. The employee must notify their line manager of the decision to withdraw their application as soon as possible in writing.

If any employee fails to attend two meetings arranged to discuss the application, without reasonable cause, this will be seen as an automatic withdrawal of the application.
Permanent/Statutory Flexible Working Arrangement – The Application Process

Request in writing
Ideally the employee should complete their formal application form with their Manager in order that impact on the service can be fully explored and any concerns or queries which may delay the process can be pre-empted.

If this is not possible, all formal requests for flexible working must be submitted in writing using the application form (see Appendix 2) by the employee to his/her line manager, well in advance of the proposed change.

If the line manager finds the application to be incomplete it must be returned to the employee and asked for it to be completed and resubmitted. The line manager in these circumstances will not consider the application until it is resubmitted.

Meeting arranged within 10 days

Within 10 working days of receiving a valid application, (ideally sooner if possible) the line manager should meet with the employee to discuss the application in further detail. If it proves difficult to arrange a meeting within this period, the line manager must seek the employee’s approval for the period to be extended.

If the employee is unable to attend the meeting arranged, the employee must contact the line manager as soon as possible to explain and to seek to rearrange the meeting at an alternative date/time.

During the meeting arranged the following points should be discussed: -

- Discuss information provided on the application form, confirming the reason for the application, the employee’s understanding of the policy, the proposed flexible working arrangement, proposed start date.
- If appropriate consider alternative flexible working arrangements.
- Clarify if the proposed arrangement will have resource implications such as the reorganisation of work among existing staff or recruitment of additional staff.
- Assess if the proposed working arrangement will have a detrimental impact on service delivery, quality of patient care or function/performance of the department.
- Consider the likelihood of planned structural changes and potential impact upon the employee’s role.
Confirmation of Decision

The line manager is not obliged to confirm a decision at this meeting but must notify the employee whether the request has been accepted or denied within 10 working days of the meeting arranged. If additional time is required to consider the request, the line manager must agree this with the employee.

If the request is accepted, written confirmation must be provided to the employee to confirm the employee’s new working arrangement/pattern, the start date, and state that the arrangement will mean a permanent change to employee’s terms and conditions of employment. The line manager must ensure completion of a changes form where applicable.

If an employee’s request for flexible working is denied the line manager must provide the employee with clear written reasons and the business grounds for the refusal as detailed above. This confirmation should also detail the appeals procedure.

A copy of the application form detailing the flexible working request and outcome of the line manager’s consideration must be sent to the Human Resources department for monitoring purposes. The original application form must be retained on the employee’s personal file. Changes forms should still be sent to ESR and indicate the start date of the flexible working arrangement.

Appeal

Should an application for flexible working be declined, the applicant is entitled to appeal against this decision using the Appeal Process as outlined in Appendix 5.
Appendix 6

Sandwell and West Birmingham Hospitals NHS Trust

FLEXIBLE WORKING REQUEST - APPEAL PROCESS

If the employee does not agree to the response to their request, and informal attempts at resolution have been unsuccessful, they should write without unreasonable delay but ideally within 10 working days of receipt of the written decision to the Deputy Directors of Workforce outlining their grounds for appeal. The Deputy Director of Workforce will nominate a Senior Manager, at least at Divisional General Manager level, to convene a meeting, ideally within 10 working days, to consider the appeal. The Senior Manager hearing the appeal will be supported by a Human Resources Manager and any other relevant support they feel they might need to facilitate their decision making process.

The panel will hear the views of both the parties and will confirm their decision in writing within 10 working days.

The following principles should apply:

- The purpose of the hearing is to ensure that the case is fully heard.
- The individual requesting the flexible working change may be accompanied by a Trade Union representative or a workplace colleague.
- The Manager to whom the flexible working request has been made may be accompanied by another Manager or Supervisor or HR staff member if they were involved in the decision making process.
- Both parties should have an equal opportunity to state their case.
- The employee is entitled to the support of a Trade Union representative or a work colleague.
- The panel members hearing the appeal should not have been involved in making the original decision to ensure impartiality.