

This policy is applicable to services provided by Heartlands, Good Hope and Solihull Hospitals Divisions

Flexible Working Policy v2.0

Document reference:	POL 006
Document Type:	Policy and Procedure
Version:	V2.0
Purpose:	To outline the process for an employee and manager to follow when dealing with a flexible working application.
Responsible Directorate:	Human Resources
Executive Sponsor:	Hazel Gunter, Director of Workforce
Document Author:	Divisional HR Manager
Approved by:	Chief Executive Group
Date Approved:	15 November 2016
Review Date:	15 November 2019
Related Controlled documents	Contract of Employment
Relevant External Standards/ Legislation	Employment Right Act 2002
Target Audience:	All staff
Further information:	Helen Barlow, HR Manager

Paper Copies of this Document

If you are reading a printed copy of this document you should check the Trust's Policy website (<http://sharepoint/policies>) to ensure that you are using the most current version.

Version History:

Version No.	Date of Release	Document Author	Ratified by	Date Ratified
2	November 2016	Divisional HR Manager	JNCC, JLNC, Workforce Committee	

Summary of changes from last version:

Incorporated Job Share Policy

Table of Contents

1. Introduction / Purpose	3
2. Policy Statement	3
3. Definitions	3
4. Policy Requirements – The Application Process	3
4.1 Submitting an application	3
4.2 Considering an application	4
4.3 Accepting an application	4
4.4 Refusing an application	5
4.5 Withdrawal of an application	6
5. Role and Responsibilities	6
5.1 Chief Executive	6
5.2 Directors	6
5.3 Local Managers	6
5.4 Employee	7
6. Training	7
7. Monitoring Matrix	7
Appendix 1 Monitoring Matrix	8
Appendix 2 Types of Flexible Working Patterns	9
Appendix 3 Flexible Working Application Form	12
Appendix 4 Flexible Working Application Acceptance Form	15
Appendix 5 Flexible Working Application Rejection Form	17
Appendix 6 Flexible Working Notice of Withdrawal Form	18
Appendix 7 Flexible working request flow chart	20

1. Introduction / Purpose

The purpose of this policy is to ensure that all staff with over 26 weeks continuous service have the right to request a flexible working contract.

The Trust is committed to ensuring that all staff are able to access reasonable flexible working patterns which help them to balance their work and home lives.

The Trust believes that by supporting flexible working arrangements which help staff to strike a balance between their career and commitments outside the workplace, the organisation will recruit and retain skilled, motivated staff.

2. Policy Statement

This document ensures that a fair and consistent approach will be taken when reviewing flexible working requests taking into account the needs of the service.

Eligible employees will be able to request;

- A change to the hours they are required to work
- A change to the times they are required to work
- A change to their Trust work location
- Any other such alterations that encourage flexible working arrangements such as job share

Staff can not make more than one request in 12 months

3. Definitions

Flexible working applications requests made by an employee to change their current working practice.

There are a number of flexible working practises an employee may request. Examples are provided, but not limited to, those in Appendix 2.

4. Policy Requirements – The Application Process

4.1 Submitting an application

All requests for flexible working should be made in writing, using the form which is attached as Appendix 2. The form needs to clearly state the change applied for, along with the date on which it is requested the change should become effective.

Details should also be provided concerning what affect, if any, the employee thinks making the change applied for would have on their department and how, in their opinion, any affect might be dealt with.

The form must be submitted to the employee's line manager well in advance of the requested date of the proposed change.

An employee is only able to make one application for flexible working in any 12-month period. However, managers have the discretion to consider applications outside of this timescale, particularly in circumstances where a previous application was refused but can now be considered for example due to changes to the structure of a department.

4.2 Considering an application

On receiving an application a line manager must contact the relevant HR Adviser. This is of vital importance as it is a statutory responsibility of the Trust to monitor applications for flexible working and ensure that access to these is equitable and fair.

On receiving the application the line manager ideally should arrange to meet the employee making the application. This meeting provides the manager and employee with an opportunity to discuss the implications and practicalities of the proposed working arrangements. It will also provide an opportunity to consider alternative working patterns should there be difficulties in accommodating the one requested.

The employee has the right to be accompanied at this meeting by a trade union representative or a fellow employee.

Within fourteen working days of this meeting the manager will write to the employee to confirm whether the request has been accepted or denied. If the request is denied the manager will need to provide clear reasons and the business grounds for the refusal as detailed below. A copy of the correspondence must be forwarded to HR for monitoring purposes.

On considering an application for flexible working the impact on other colleagues needs to be taken into account in respect of a fair and equitable allocation of unsocial shifts for those who are able to be more flexible.

4.3 Accepting an application

If the manager is able to accept the flexible working request then the employee should be notified in writing or by using the form attached as Appendix 3.

A copy of this correspondence must be forwarded to HR for monitoring purposes.

Within this written decision the manager must include the following;

- A description of the new working pattern/arrangement
- The date from which the working pattern/arrangement will take effect
- The date of the acceptance

An accepted application will result in a change to an employee's terms and conditions of employment, unless explicitly stated otherwise. Employees are not entitled to revert back to their previous working pattern, unless otherwise agree e.g. following an unsuccessful trial period.

All agreed flexible working practices will be reviewed every 12 months, and may be subject to change, to ensure that they meet the needs of the service.

Employees should be aware that any change to the number of their contracted hours is likely to affect their pension. Employees should contact their pension adviser in Employee Services for further advice or information.

4.4 Refusing an application

An application can be refused. If a manager feels that it is appropriate to refuse an application he/she must contact the relevant HR Adviser to gain approval on the reason or reasons behind this refusal. Any refusal needs to be based on the grounds of one of the following business reasons;

- The additional costs involved will impose a burden
- Agreeing to the request will have a detrimental affect on the Trust's ability to meet patient demands
- The Trust is unable to reorganise work among existing staff
- The Trust is unable to recruit additional staff
- Agreeing to the request will have a detrimental impact on quality or performance
- There is insufficient work during the periods the employee proposes to work
- The Trust has planned organisational changes

The manager must inform the employee of the refusal in writing within 14 days of the meeting to discuss the flexible working application. The manager may use the form attached as Appendix 4 to refuse an application. A copy of this correspondence must be forwarded to HR for monitoring purposes.

Within this written decision the manager must include the following;

- The specific reason or reasons why the request cannot be accommodated
- An explanation of why the above reason or reasons apply in these circumstances

- An explanation of the appeal procedure including the name of the next level of line manager to whom the individual must appeal and the timescale
- The date of the refusal

4.5 Withdrawal of an application

At any point during the process the individual may withdraw their application. This will mean that the employee is not eligible to make a further application for 12 months from the date at which the withdrawn application was submitted.

If an employee fails to attend two meetings arranged to discuss the application, without reasonable cause, this will be seen as an automatic withdrawal of the request.

Withdrawals in either of the above circumstances must be recorded on the form attached as Appendix 5. A copy of this correspondence must be forwarded to HR for monitoring purposes.

4.5 Appealing the decision

The employee has 10 working days from the written date of notification of the manager's decision in which to appeal. The appeal should be made to the next level of management. There is only one level of appeal.

5. Role and Responsibilities

5.1 Chief Executive

Ensure that the policy is being implemented appropriately within the Trust.

5.2 Directors

Ensure managers are aware the entitlement of employees with 26 week continuous service right to request a flexible working pattern and that local managers must assess whether the request can be accommodated taking into account the needs of the service.

Ensure the policy is applied fairly and consistently.

5.3 Local Managers

To give due consideration to flexible working requests received ensuring that operational needs will not be adversely affected and to provide sound operational reasons if refused.

Seek guidance from Operational HR when a request to work flexibly is received from an existing full-time employee.

Review Flexible Working patterns on a regular basis to ensure that the needs of the service are delivered at all times.

5.4 Employee

Existing employees wishing to apply for flexible working should put their request in writing to their General Manager/Group Support Manager - Please refer to Appendix 2 if they wish to complete form.

A decision in writing will normally be made within one month of the request. There is no automatic entitlement to change the current working practice.

If the application is agreed, a revision to the Statement of Terms and Conditions will be issued.

6. Training

Managers will be briefed on this policy and its requirements.

7. Monitoring Matrix

The fair application of this policy will be monitored annually across the Trust by the Operational Human Resources department. This will involve the department maintaining a register of all applications for flexible working and the outcomes. In order to achieve this it is vital that all line managers contact the HR department to discuss all applications for flexible working which they receive.

All applications and outcomes from both employer and employee must be recorded and retained on the personnel file for 12 months with copies of relevant paperwork being forwarded to H.R for monitoring purposes.

Appendix 1 Monitoring Matrix

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
Annual report to Workforce Committee	Head of Operational HR	Workforce Committee	Report detail the number of request accepted and declined	Annual

Appendix 2 Types of Flexible Working Patterns

Part-Time Hours

This refers to any working pattern where an employee works less than the stated full-time hours. Any agreement on the hours to be worked needs to take into consideration the needs of the service.

Flexi-time

Flexi-time allows staff to vary their actual working hours outside certain core hours within the day. It operates on a department or working team basis. It means that staff can vary their start and finish times in order to accommodate domestic, travel or other arrangements outside of work. Staff are still required to work their contracted hours but may flex when these hours are worked. They can also build up a credit or debit of hours within a defined period, although a limit is normally set on how many hours can be accrued.

If a department is considering adopting flexi-time they need to ensure that the system will maintain the necessary level of service and there is a way to record and supervise the hours being worked and accrued.

School-Time Contracts

This enables employees to work within the school timetable including hours and term times, to allow child care to be balanced. This would involve a reduction in salary for the time spent out of the organisation and extended unpaid holidays to coincide with school holiday periods. However, salary is usually paid in 12 monthly instalments. As annual leave is included in the pay calculation for the 12 monthly instalments received by the member of staff, there is no additional time off to be taken as annual leave. In calculating the instalments, managers can link in with their Payroll Officer.

Annualised Hours

Under this scheme an employee agrees to a set number of working hours for the year which will be worked on a flexible basis. This way of working is an excellent way to match between supply and demand if the area or work is such that there are predictable fluctuations in activity over different periods.

It is important to set minimum and maximum working hours during a week to ensure that employees remain compliant with the European Working Time Directive. In addition it is important to clarify at the start what impact the scheme will have on benefits and entitlements such as pension, maternity

leave, sick pay and annual leave. As with flexi-time it is important that there is a robust system in place to record working hours on an ongoing basis.

If an employee opts for an annualised hours working pattern they must be issued with a revised contract of employment.

Team-based Self-rostering

For this working practice the core hours, staffing levels and skill mix required hour-by-hour throughout the working day are set. Staff are then given the flexibility to schedule their working days ensuring these requirements and their contractual working hours are met.

The advantage of this system is it allows staff to have more control over the hours that they work and encourages a team-based approach to organising working patterns.

Job Shares

Job sharing usually means two people voluntarily sharing the duties and responsibilities of one full-time job. There are basically two forms of job shares; shared responsibility where both employees undertake all the tasks and responsibilities of the post or divided responsibility where the two employees divide up all of the tasks and responsibilities between them. The first is best suited to ongoing work and the second is more appropriate within the context of a project.

Each partner undertakes a proportion of the work and receives corresponding portion of the full time salary, annual leave, Bank Holidays, etc.

Each partner will hold an individual statement of terms and conditions. The job title will be that given to the established post with the endorsement "Job Share", and will contain the following special conditions:

- a) In the event of your partner being unable to continue the partnership the hours of work previously undertaken by them will be offered to you on a full time basis.
- b) Where this is unacceptable to you all reasonable steps will be undertaken to find another partner through the normal recruitment procedure.
- c) Failure to recruit a suitable replacement will result in a review of the job share arrangement in the interests of yourself and the Trust.

- d) If the post is advertised as full time, the Trust agrees to consult you fully on possible redeployment but does not guarantee to provide you with alternative work.

- e) Failure to find suitable redeployment within a reasonable period (12 weeks) may result in termination of employment.

Fixed Work Patterns

Where, by agreement, days off can be regular to enable, for example, access by separated parents to their children and flexible rostering

Appendix 3 Flexible Working Application Form

Introduction

You should use this form to make an application to work flexibly. In support of your request you need to provide as much detail as you can about your desired working pattern including information on what effect it will have both on the work that you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your line manager. Your manager will then consider your application and will arrange a meeting with you to discuss your request.

If the request is granted, this will be a permanent change to your terms and conditions, unless otherwise agreed.

Personal Details

Name:

Staff or Payroll Number:

National Insurance No:

Manager

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet the eligibility criteria as follows:

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

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

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

I would like this working pattern to commence from : Date:

Impact of the new working pattern

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

Accommodating the new working pattern

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

Signature:	<input type="text"/>	Date:	<input type="text"/>
-------------------	----------------------	--------------	----------------------

Appendix 4 Flexible Working Application Acceptance Form

Dear:

Following receipt of your application and our meeting 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 the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will begin from:

Date:

Note to the employee

Please note that the change in your working pattern will be a change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern. Your revised working arrangements will be reviewed every 12 months to ensure they meet the needs of the service.

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

Name :	<input type="text"/>	Date:	<input type="text"/>
---------------	----------------------	--------------	----------------------

Manager to send copy of form to the Operational HR Department for monitoring purpose

Appendix 5 Flexible Working Application Rejection Form

Dear:

Following receipt of your application and our meeting on : Date:

I have considered your request for a new flexible working pattern

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

(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).

Name:

Date:

You have the right to appeal against this decision. If you wish to appeal, you must use do so within 10 working days of the date of this letter.

Manager to send copy of form to the Operational HR Department for monitoring purposes

Appendix 6 Flexible Working Notice of Withdrawal Form

Note to the colleague

This form provides notification to your manager that you wish to withdraw your application to work flexibly. Once you have withdrawn your application, you will not be able to make another application until 12 months from the date your original application was made.

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 MANAGER.

Note to the Manager

Once your employee has completed this form and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration.

You should complete the slip below and return it to your employee to confirm your receipt of the withdrawal notice.

Cut this slip off and return it to your employee in order to confirm your receipt of their withdrawal notice

Confirmation of Withdrawal (to be completed and returned to employee)

Dear: [Redacted]

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on **Date:** [Redacted]

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

From: [Redacted]

Date: [Redacted]

Manager to send copy of form to the Operational HR Department for monitoring purposes.

Appendix 7 Flexible working request flow chart





