University Hospitals Birmingham
NHS Foundation Trust

CONTROLLED DOCUMENT

Flexible Working Policy

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1. Introduction

1.1 University Hospital Birmingham NHS Foundation Trust is committed to improving the quality of working lives of all employees. Flexible working is one of the keys to achieving a better work-life balance.

1.2 There has been a shift in demographics which in turn has impacted on a changing workforce. The workforce across many professions is ageing which has an impact on workforce and succession planning. Younger people tend to stay longer in education which reduces the pool of talent immediately available. Expectations have changed where more people demand flexibility in order to be able to juggle demands both in their home and work lives. In order to attract talent, the total reward package must include support for a better work-life balance, including flexible working options and flexible training and development. Through such progressive employment policies, the Trust will be widely recognised as a leader in the employment field.

1.3 Through providing flexibility, there are proven benefits to organisations in terms of reduced sickness absence, employment costs, agency and overtime costs.

1.4 There are many different reasons why people leave the organisation and do not return, but being unable to work because of inflexible hours should never be one of those reasons. A flexible, caring health service which can accommodate all the different aspirations of a work-life balance will create an improved blend of skills and experience as a result and will further promote diversity across the Trust and its surrounding community.

1.5 There are various options, which enable employees to alter and improve their work-life balance. These options can also give the Trust more scope and flexibility in arranging staffing for the changing demands of a 24 hour, 7-day a week service.

1.6 In addition to flexible working patterns, the Trust also encourages flexibility in training and career development. This is particularly important with the implementation of the Knowledge and Skills Framework, where there is an emphasis on every employee achieving required competency levels and keeping up to date their knowledge and skills.

2. Benefits

2.1 Possible benefits to the Trust from introducing an improved work-life balance include:

- Improved Recruitment and Retention

- Higher employee motivation and commitment
- Improved productivity
- Increased flexibility
- Reduction in agency usage
- Reduction in sporadic sickness absence levels

2.2 Possible personal benefits for staff include:

- Increased job satisfaction
- Increased leisure time
- More time to spend with family
- More study time for personal or work-related courses
- Less stress due to better time management

3. Introduction to the Policy

3.1 This policy provides an outline of various flexible working practices which will provide staff with an opportunity to strike a more effective work-life balance. This takes into account the legal requirements for working parents, however the opportunity to apply for flexible working is open to all staff.

(For detailed information on the legal requirements or for general advice, please contact your HR Adviser or Union Representative or view the Department of Trade and Industry website [www.dti.gov.uk].)

3.2 The practices outlined are subject to a concept of reasonableness and the need to maintain the service. It must be recognised that not all practices may necessarily be suitable for all jobs. However, other innovative ideas will be encouraged.

3.3 All flexible working practices should be determined by mutual agreement between the manager and staff member, and must balance the needs of the individual to the needs of the service and patient care.

4. Considerations

4.1 The initiative to change an existing working pattern may come from staff or as a management strategy. In either case, it should be tested against a range of criteria asking the following questions. Will it:

- Help retain staff?
- Attract staff into areas of shortage?
- Help build a more diverse range of skills within the team?
- Help balance staffing levels and activity levels more efficiently?
- Improve morale?
- Help to reduce sickness and absence rates?
- Enable staff to extend their working careers? And,
- Meet the standards of a responsible employer?

4.2 There are several considerations to be made when a member of staff requests to work flexible, alternative or reduced hours outside recognised patterns, e.g.

- Will a minor adjustment to existing arrangements, such as a different start or finish time meet the needs of the member of staff?
- If the hours for one member of staff are reduced, how will the extra work be covered?
- Will this include other staff being given the opportunity to adjust their hours?
- Does it comply with the Working Time Regulations?
- Is the change in the interest of the department/ward? How will this impact on the provision of clinical service provision?
- What are the implications for a different start time? Does this increase others workload?
- What are the implications if the request is refused? (If refused, what is the justification?)

5. Principles

Managers and members of staff should bear in mind the following principles when considering a request for flexible working arrangements:

- The Trust will be as accommodating as is practicable in responding to requests.

- Service delivery, clinical standards, health and safety, and legislative requirements must not be compromised.

- Managers and individuals making the request must consult other members of the team who may be affected by the requested change, prior to any decision being reached. A flexible arrangement for one person should not be to the detriment of others, hence communication with the team is of prime importance.

- Any discussions between the manager and staff member should be treated as confidential, i.e. reasons for the request must not be discussed with other team members without the consent of the individual making the request for flexible working.

- Contractual changes to terms and conditions of employment, within the scope of this policy, can only be agreed following careful consideration of the implications and an understanding of the individual's circumstances.

- Pay and benefits will be adjusted on a pro-rata basis to reflect changes in the hours worked, and the effects of the proposed changes must be fully explained and agreed with the individual. The individual is encouraged to seek union advice before agreeing to any changes.

- Consideration of the potential impact on pension contributions – advice should be sought from the Trust's Pensions Officer.

6. Ground Rules

Managers must discuss with each employee their expectation and aspirations for flexible working hours. The obvious times for these discussions to take place would be at recruitment stage and during regular appraisal discussions. An individual is of course free to raise it at other times.

- It is the responsibility of all concerned to ensure the provision of adequate cover at all times.
- As part of the discussion, managers must build opportunities for team communication and training and development within any flexible hours agreement.

- All concerned must be aware of and take into account the requirements under the Working Time Regulations and relevant Health and Safety regulations.

- Where health and safety issues are identified, agreed action must be taken before the new working arrangements come into force.

- Agreements will be subject to an initial review period at three and six months. At the end of the review period, a discussion will take place between the manager and employee:

  a) to either confirm that the arrangements are working well and can continue (either indefinitely or for an agreed period of time),

  b) to discuss and confirm any changes,

  c) in exceptional circumstances to discontinue the arrangement if this is proven to have had a detrimental impact on service delivery and / or team members.

7. Typical examples of flexible working practices

7.1 Job Share

Two or more individuals voluntarily share the duties and responsibilities of a full-time job, sharing pay, annual leave and other benefits accordingly.

(For detailed information, please refer to the Job Share policy.)

7.2 Part-time working / Job Splitting

7.2.1 A part-time worker is any worker that works anything other than full-time hours. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 stipulate that part-time workers should receive, on pro-rata basis, the same contractual terms as full-time workers.

7.2.2 Job Splitting - full-time hours for one post are reallocated to two or more separate posts. The hours may or may not be equal. The two (or more) post holders may work during the same time periods or alternate their attendance. For example, both workers may work the same hours to cover a busy time or one may work mornings and the other afternoons. Salary and benefits are determined on a pro-rata basis, according to hours worked.

7.3 Voluntary Time Working (V-Time)

7.3.1 This is a special form of part-time working whereby staff may either reduce or increase their normal hours of work by an agreed amount for an agreed period of time, without having to

make a permanent change to their contractual working hours. This type of arrangement may be useful to:

- assist an individual who for a temporary period of time needs to deal with changed personal commitments.

- Enable staff to respond to a manager's need to cover a short-term peak work period.

7.3.2 Pay and leave entitlement are reduced accordingly during this temporary period.

7.4 Term Time Working

7.4.1 Term time working enables individuals to work during school term periods only and to have blocks of time off work during some or all school holiday periods. These periods are unpaid and annual leave payments would be calculated and paid in equal instalments with the normal monthly salary payments. Employment is deemed continuous. Employees may request to take unpaid leave for all school holidays, including half-terms or just specific breaks, e.g. Summer and Easter holidays.

7.4.2 The following calculation is for illustrative purposes:

if the employee would normally be entitled to 5.4 weeks (27 days) annual leave but is now only working 40 weeks of the year:

40/52.143 x 5.4 weeks = 4.1 wks = 21 days paid annual leave per annum, assuming 5 day working week.

7.4.3 In addition, the employee would normally be entitled to 8 days statutory bank holidays (1.6 weeks) and this needs to be included in the calculation as follows: (Note: the entitlement to Bank Holidays will be calculated on a pro-rata basis in accordance with the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000.
40/52.143 x 7 weeks = 5.4 wks = 27 days paid annual leave per annum, assuming a 5 day working week.

7.4.4 The 27 days annual leave, inclusive of statutory bank holidays will be paid in equal instalments with the monthly annual salary payments.

7.4.5 The following illustrative formula is for the purposes of calculating a pro-rata salary, based on the example above:

45.4* x Full time salary = actual gross salary
52.143

(* 40 weeks worked + 5.4 weeks paid annual leave, inclusive of bank holidays)

(For detailed individualised calculations, please contact the Payroll Department)

7.5 Flexitime

7.5.1 This means that individuals would work their standard hours over a week, but are not completely confined to specific work times. Start / Finish times can be flexible to suit the needs of the individual, within service requirements, but employees are expected to work during core periods. Some flexitime schemes may also allow for specified credit to be carried over to the next time period.

7.5.2 The following is an example of a flexitime system:

- Starting Band 7am to 10am
- Core Time (am)* 10am to 12pm
- Lunch period to be taken during the hours of 12pm to 2pm
- Core Time (pm)* 2pm to 4pm
- Finishing Band 4pm to 7pm

(*All staff must work within the core periods).

7.6 Compressed Hours

Application of a compressed hours system means that an individual may wish to work their full-time contractual hours over a 4-day week or a 9-day fortnight. Full hours must still be worked but can be distributed over a minimum of 4 or 9 days. Similar opportunities should also be afforded to part-time workers.

7.7 Annualised Hours

7.7.1 The aim would be to achieve a better match between supply and demand for staff by distributing hours worked to coincide with actual levels of need. This provides flexibility for members of staff and the service. The traditional weekly based contracted

hours are expressed over a full year. These hours will be worked in blocks of time to meet the needs of the Trust and the employee. It is calculated as follows:

No. of hours per working week x 52.143 weeks in the year, less annual leave and bank holidays = Net Working Time.

7.7.2 All other time is non-working time and is not defined by annual leave etc. Hours are worked by arrangement over the full year and can be static or varied, day to day or week to week or even seasonally, by mutual consent. The employee can be paid a regular monthly salary or choose to be paid per hours worked on a month to month basis, filling in weekly time sheets.

7.8 Self-Rostering

Staff request the pattern they wish to work within agreed parameters, meeting service needs for their area. The roster should be planned at least a month in advance, in conjunction with the Ward / Department Manager. However, this must conform to the Working Time Regulations.

7.9 Night Working

Staff may request to work primarily at night where there is a service requirement, provided that:

a) their health is assessed and monitored (including completion of Night Workers Questionnaire) by Occupational Health; and

b) on a planned basis they work a period of day duty for updating and mandatory training, unless this training is available during night shift hours.

7.10 Home Working

7.10.1 An agreement may be made with the Divisional Director of Operations for an employee to work from home, either short term, ad-hoc or on a regular basis, depending on the type of post. The hours of home working would normally match contracted hours or are varied in line with domestic or service needs. A time recording system must be put in place to ensure the agreed or contracted hours have been worked.

7.10.2 It is the responsibility of the manager to ensure that an initial risk assessment is carried out on the working environment of the home worker in relation to health and safety, and that regular reviews of the risk assessment are carried out.

7.11 Career Break / Sabbatical

7.11.1 Career breaks enable staff to take an agreed and specified period of leave from their employment with the option of returning to their job at a later date as long as they keep up to date in the intervening period. Career breaks may be taken for a number of reasons, e.g. to provide short, medium or long-term support to the immediate family, etc. Similarly, an individual may wish to take a specified period of leave to further personal development and learning opportunities.

7.11.2 Staff may request an agreed long period of unpaid leave, depending upon the length of the career break. The Trust will not in all cases be able to guarantee a return to the same post, particularly at times of organisational changes; each case will be considered on merit. However the Trust will endeavour to ensure that recognition of the individual's previous role is taken into account when organising a return to work, provided the individual has maintained their professional skills, and registration if appropriate.

7.12 Flexible Retirement

7.12.1 This is a way in which the Trust can assist staff with the transition from work into retirement. The Trust runs regular Pensions Awareness sessions for all staff and Pre-Retirement courses for individuals who are considering retirement within one year.

7.12.2 For further detailed information please refer to the Flexible Retirement Policy. Advice can be sought from the Trust's Pensions Officer.

8. Application Procedure

- Before making a request for flexible working, the employee should consider the practical implications of this request and how the department / ward would cope with their requirements.

- Requests must be considered seriously.

- Employees should be encouraged to be flexible in their requests if requirements cannot be fully met. Both manager and employee should be prepared to consider alternative solutions.

- The employee must apply to their immediate line manager or manager responsible for staff rostering/day to day service provision (retaining a copy of their request), outlining details of their flexible working request

and state how this will operate. (See Appendix A for standard application form)

- The manager must consider the request and meet with the employee as soon as possible, but no later than 28 days from receipt of the written request. The manager should take into account the significance of the request and/or any personal circumstances. Notes of the discussion should be produced by the manager and copied to the employee.

- The manager should respond to the request in writing (by completing section 3 on the Flexible Working Request form) within 14 days of the meeting, putting forward either an agreement, a compromise or, if the request is denied, justifiable reasons for not being able to accommodate this.

9. Appeals Procedure

The employee has a right of appeal against a refusal of their request and this should be dealt with in accordance with the Trust Grievance Procedure.

10. Review of Guidelines

These guidelines will be reviewed formally on an annual basis for their effectiveness and application.

11. Further Information

If you require any further information or advice, please contact your Human Resources Adviser/Manager and/or your Trade Union Representative.

APPENDIX A

UNIVERSITY HOSPITAL BIRMINGHAM NHS FOUNDATION TRUST

FLEXIBLE WORKING REQUEST FORM

1. Employee Details

NAME		PAYROLL NO.	
WARD/DEPT.		DIVISION	
MANAGER'S NAME			

2. Details of Flexible Working Request (continue on a separate sheet as necessary and attach it to this form)

I would like the revised working pattern to commence from	**Date:**

I look forward to a meeting to discuss my request within the next 28 days.

Signed:	**Date:**

3. Manager's Response

Request Agreed? **YES / NO (if no, state reasons below)** **Reasons for Refusal of Request:**	
Suggested alternative flexible working arrangement: YES / NO (if yes, state details below)	
Signed:	**Date:**

[Please send one copy of this form to your HR Adviser and retain one copy for your own records