

Flexible Working Opportunities Policy including Flexi Time Systems and Self Rostering

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**Flexible Working Opportunities Policy
including Flexi-time Systems and Self-Rostering
Version Control Sheet**

Version	Section	Amendments	Author	Date
1	Archived	Version 1 of both policies HR005 and HR006 to be archived as these have been merged into one policy		
2	All	<p>Two policies merged: Policy for Flexi-time systems and self-rostering and flexible systems opportunities policy</p> <p>'The Trust' changed to 'The Organisation' and 'PCT' changed to 'LCHS'</p> <p>Equality and Diversity statement included.</p> <p>Maternity Leave Policy reference changed to Family Leave Policy.</p> <p>Application form copies to be sent to HR Business Team and Policy & Recruitment Team.</p> <p>'Baker Days' changed to 'school in-service training days (previously known as Baker Days)'</p> <p>Under Term Time only section added in reference to Annual Leave Policy</p> <p>Changed 06/07 pay scale examples to 09/10</p> <p>Under Return to Work section added in Maternity Leave.</p> <p>Under Working Time Regulations section, added in that the 20 minute break is unpaid, and added in sentence regarding a 30 minute break should be regarded as best practice.</p>	Claire Chapman	January 2009
3	Appendix 1	Added in the requirement to complete a change form if an application to change working arrangements is approved.	Lyndsey Clapham	March 2010
4	All	<p>Two policies merged: policy for Flexible Working Opportunities including Flexi-Time Systems and Self Rostering and relevant sections of Flexible Retirement Policy.</p> <p>'LCHS' changed to 'the organisation'</p>	Rachel Madge	November 2010

		<p>Part-time working section amended to Part time working/reducing contracted working hours</p> <p>Under part time working section added semi-retirement process.</p> <p>Under annualised hours section added sick pay entitlement.</p> <p>Under voluntary move to a lower pay band added in stepping down and semi-retirement</p> <p>Under flexi-time systems amended references to travel time in relation to business and training purposes.</p> <p>Under Application to change existing working arrangements added management considerations.</p> <p>Amended decision process Extended reasons to refuse a request</p> <p>Application form copies to be sent to HR Operations Team at Bridge House.</p>		
4.1	All	Change of CE Name and extension	KJS	July 14
4.2	All	3 month extension agreed at EPG on 6 October to allow for changes to other related policies to be finalised.	KJS	October 2014
4.3	All	Extension agreed at EPG	EPG	February 2015
5	All	<p>HR/HR Operations amended to Workforce and Transformation/Workforce Services throughout.</p> <p>Salary scale and points updated in section 3.5.6</p> <p>3.6 updated to include shared parental leave</p> <p>Amendments made to timescales, categories for refusal and to section 4 in line with legislative requirements and good practice.</p>	Kerry Swift	April 2015
5.1	Section 3.7.	Re worded section to assist clarification	Lyndsey Clapham	March 2016
6	All	Full review of policy	Lyndsey Clapham	February 2017

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Policy Statement

Background	<p>The policy aims to address the increasing demand for more flexibility in working practices in order to accommodate the personal goals and commitments that employees experience in their working lives.</p> <p>It covers part time working, annualised hours, zero hours/bank/casual working, voluntary moves to lower pay bands, return to work after family leave, flexi-time systems, flexible self-rostering.</p>
Statement	<p>Flexible working should be available to all employees and should enable the organisation to recruit and retain skilled staff, raise staff morale, reduce absenteeism, respond to changing market conditions more effectively and allow more mature employees a more effective work life balance in regard to flexible retirement.</p>
Responsibilities	<p>Implementation and compliance with this policy will be the responsibility of all employees and managers.</p>
Training	<p>Specific training is not necessary. All staff should make themselves familiar with this policy.</p>
Dissemination	<p>Internet Team Brief Notification</p>
Resource implication	<p>The organisation needs to consider the implications of cover for the different types of flexible working, ensuring service needs continue to be met.</p>

1. Introduction

- 1.1. The organisation recognises the increasing demand for more flexibility in working practices in order to accommodate the personal goals and commitments that employees experience at different stages during their working lives.
- 1.2. Flexible working opportunities can provide a range of options to meet service needs and help staff to balance their personal and work commitments, whilst enabling the organisation to recruit and retain skilled staff, raise staff morale, reduce absenteeism and respond to changing market conditions more effectively. These arrangements apply equally to women and men of all ages and can be introduced by mutual agreement, whether sought by the employee or the employer.
- 1.3. Flexible Working arrangements should be available to all employees and therefore all jobs should be considered for flexible working unless there is a clear, demonstrable operational reason why this is not practicable. This policy will help employees to begin the process of discussing flexible working arrangements with their line manager. Flexible arrangements will be put in place if it can be shown that the needs of the individual can be balanced with those of the service and after full consideration has been given to the impact on other team members.
- 1.4. Flexible working should be part of an integrated approach to the organisation of work and the healthy work/life balance of employees. All II parties need to be open minded and flexible in their approach when applying for, or considering authorising, a change to existing working patterns at any time during employment.
- 1.5. Employees are encouraged to discuss their changing circumstances with their manager and may also suggest different ways of working which are not listed specifically in this policy. A clear procedure for employees to follow when applying to work flexibly is detailed in this document.

2. Discrimination and Equality of Opportunity

- 2.1. Inherent within all of its practices the organisation is committed to the principles of diversity, equality of treatment and equality of opportunities and believes that direct or indirect discrimination against any person is unacceptable.
- 2.2. This policy aims to ensure that no worker receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the job.
- 2.3. Employees are valued for the contribution they make and not according to their work patterns. There will be no discrimination against any member of staff who takes up the opportunities provided by this policy either by barring access to promotion or personal and professional development.
- 2.4. Applications for a change in working pattern may not always require a significant alteration. For example, a parent may simply wish to start work half an hour later to take their child to school and make up the time later in the day, in which case the flexi-time system may be appropriate.
- 2.5. The organisation recognises that there are times when staff may want to reduce their work commitment for a temporary period of time, in order to manage personal or caring commitments. The manager will consider all such requests and endeavour to facilitate these using the same process as other requests.

- 2.6 Employers must make reasonable adjustments to make sure disabled workers (including contract workers, trainees, apprentices and business partners) aren't seriously disadvantaged when doing their jobs.

This can include:

- allowing employees who become disabled to make a phased return to work - eg working flexible hours or part-time.

3. Types of Flexible Working Opportunities

The following examples of flexible working do not constitute an exhaustive list. Managers will always consider requests for more flexible ways of working in accordance with individual and service needs.

3.1. Part-time working / reducing contracted working hours.

- 3.1.1. Part-time working covers all arrangements under which staff work less than the contracted hours for a full time post, including arrangements under which staff work full-time hours for some weeks of the year. The organisation has the discretion to arrange part time working to suit any organisational arrangement in term of hours worked or the pattern of those hours. Arrangements may include, annualised hours and temporary or permanent reduction in hours as may be agreed with the individual and their manager.
- 3.1.2. All part-time staff will receive the benefits of terms and conditions for full time staff on a pro-rata basis and will have equal access to training and development.
- 3.1.3. In relation to recruitment, managers will consider the scope for filling any vacancy with a flexible working arrangement and this will be made explicit in the vacancy bulletin. Only in exceptional cases, where the requirements of the work make this impossible, will consideration be limited to applicants seeking full-time employment.
- 3.1.4. Requests for changes to an individual's pattern or hours of working will in all cases be given serious and sympathetic consideration by the manager.
- 3.1.5. Part-time workers must not be treated less favourably in their terms and conditions than comparable full time workers. A part time employee is entitled to write to their manager asking for a written statement of reasons if they feel they have been treated less favourably than a full time worker. The manager must respond with a statement within 21 days of receiving the request. It is unlawful to treat unfavourably an employee who has made a complaint against the organisation under the part- time workers regulations. If a member of staff is still not satisfied they should use the organisation's Grievance procedure and ultimately can take their complaint to an employment tribunal.
- 3.1.6. The NHS pension scheme has flexible retirement options available for all staff approaching retirement, for more information please see the organisation's Retirement Policy.

3.2. Annualised Hours

- 3.2.1. Annualised hours describes a contract under which the employee agrees to work a set number of hours per year (350 or more) but the pattern by which they are worked does not

necessarily follow a set routine or pattern.

3.2.2. Annual contracted hours aim to achieve a more even balance between the availability of staff and the needs of the service, by distributing hours worked to coincide with actual level of needs. It is an effective alternative to agency or zero hours (bank) staff. The added flexibility to vary working hours over the year gives the manager control to increase hours during busier months or when there are staff shortages due to sickness, maternity leave etc. and to reduce hours when less busy.

3.2.3. Calculation of sick pay entitlement will be based on the twelve equal payments of annual salary. Sickness absence will be credited on a pro rata basis and based on the average contracted hours worked per week as specified in the annualised hours contract of employment. For example employees absent for 2 weeks and contracted to work an average of 30 hours per week will be entitled to the equivalent of 60 hours sick pay irrespective of the number of hours actually rostered to work during the absence period.

Please note that the number of hours employees are actually rostered for during the absence period will be the number of hours deducted from the annualised hours to be worked over the year. For example employees absent as above who are only scheduled to work 20 hours in the first week of absence and 30 hours in the second week will only have 50 hours deducted from the overall number of hours to be worked. In comparison, employees absent as above who are scheduled to work 37.5 hours in the first week of absence and 30 hours in the second week will have 67.5 hours deducted from the overall number of hours to be worked.

3.2.4. When deciding to use annualised hours the manager should explore with the applicant the minimum and maximum hours that can be worked weekly/monthly. They should agree a system to record and monitor hours which can be used as a clear audit trail and could take the form of a flexi-time sheet. The normal working week will not regularly exceed 48 hours (including overtime). Employees should be notified in advance of the hours they will be required to work during each following month.

3.2.5. It is a condition of the annualised hour's contract that there are no fixed daily or weekly normal working hours applicable to the employment. Where employees wish to work under an annualised hours agreement the normal working hours will be based upon the agreed total number of hours to be worked per financial year. The employee's annual salary will be calculated in accordance with the average weekly hours to be worked throughout the year, please see Appendix 1 of the Annual Leave Policy.

3.2.6. Annual leave entitlement will be calculated pro rata and inclusive of 8 Bank Holidays in accordance with the average weekly working hours. The total annual leave entitlement will then be deducted from the total annualised hours to provide the number of hours the employee will be required to work over the full financial year.

3.2.7. Employees will be paid a twelfth of their annual salary each month incorporating their holiday entitlement. Employees will be expected to request approval from their manager at least one month prior to being available or taking time away from work.

3.2.8. The manager will monitor the number of hours and make arrangements to review accumulated hours at the end of 3 or 6 months to ensure that there will not be a drastic under or over payment for the hours worked. This may involve a request to payroll to pay additional hours or a review of the agreed contracted hours to reduce them in the following quarter, 6 months or year to make up the deficit.

3.2.9. Where managers approve an application for an annualised hours contract, an EF2 form should be completed indicating the total annualised hours per financial year and the average

weekly working hours.

- 3.2.10. Prior to commencing an annualised hours contract, employees should calculate their annual leave entitlement pro rata for their existing contract arrangements and ensure that all outstanding leave is taken before commencement of the new contract arrangements.

3.3. Zero Hours/bank/casual working

- 3.3.1. Zero hours agreements are a flexible type of employment with the organisation, allowing staff to work as much or as little as they like. Benefits for staff are inclusive payment for annual leave (13 hours pay for 12 hours work) and access to statutory sick pay and the NHS pension scheme. Zero hours agreements are similar to bank work as the organisation has no obligation to provide staff with work and similarly staff have no obligation to accept an offer of work; however staff can work as flexibly as they like around other work/family commitments and be assured that their Manager or Workforce Services will contact them to offer shifts as the service requires. Zero hours agreements can also be used instead of annualised hours contracts in cases where employees do not wish to commit to a fixed number of hours on a regular basis (see Temporary Staffing (Bank) Policy) i.e. less than 350

3.4. Voluntary Move to Lower Pay Band/stepping down

- 3.4.1. As there is no guidance in the Agenda for Change agreement, a local agreement “Voluntary Movement to a post in a lower level band within the organisation” was approved through the Joint Consultative Negotiating Committee in July 2006.
- 3.4.2. The agreement recognises an employee’s previous continuous service within the organisation when determining a new pay point.
- 3.4.3. Anybody wishing to “step down” to a less demanding role as part of flexible retirement should discuss this option with their line manager in line with the organisation’s Retirement Policy.
- 3.4.4. When an employee voluntarily moves to a lower pay band there will be pension implications and anyone requesting this type of move should contact the Pensions Department for forecasts/advice.
- 3.4.5. Where an employee decides to move, of their own volition, to a post in a lower pay banding, the following arrangements will apply:-
- 3.4.6. The member of staff will be placed on the salary scale for the new post at the appropriate point in accordance with previous continuous service in an equivalent or higher grade:-

Example A

An employee on Pay Band 6 requests and moves to a Pay Band 5 post. Current salary on Band 6 = Pay point 27 on Annex C (14/15 pay-scales £31,768) with 4 years previous service at Band 5 level and 2 years at Band 6. This would equate to 6 years’ service and would result in a move to the band 5 pay scale on pay point 23 (14/15 pay-scales £27,901).

Example B

If, prior to promotion to the Band 6 post (in the above example), the member of staff had been at the maximum point on the Band 5 scale (14/15 pay point 23 £27,901) then on movement back to the Band 5 post, they would automatically be placed on the maximum of scale.

Example C

An employee on Band 7 requests and moves to a Band 6 post in less than 1 year after the appointment to the Band 7 post, post holder has no previous NHS Service. Current salary point 26 on Annex C (14/15 pay-scales £30,764) would move to point 21 the minimum point on scale (14/15 pay-scales £25,783). In all examples current increment dates will be retained.

- 3.4.7. The Workforce and Transformation Department will monitor all instances of these requests with managers under this policy to ensure this is a voluntary request free from coercion.
- 3.4.8. If the reason for moving to a post at a lower pay band is linked to sickness absence then the process of redeployment under the Your Attendance Matters policy should be followed. All other instances should follow the standard recruitment process.

3.5. Return to work after family leave

- 3.5.1. The current contractual provisions for the conditions to be fulfilled by an employee wishing to return to work after family leave are set out in the organisation's Family Leave Policy and Special Leave Policy in relation to Adoption, Maternity, Paternity, Shared Parental Leave and Parental Leave.
- 3.5.2. The organisation will take steps to encourage the continuing development and progression of employees who take family time off by:-
 - a) Encouraging an employee on maternity/adoption or shared/parental leave to maintain links with their department through similar options as described in the Career Break Policy .
 - b) Promoting and encouraging increased participation in the care and upbringing of children by men to achieve a more equal sharing of parental responsibility through flexible use of paternity and shared parental leave.
 - c) The availability of flexible working arrangements for parents to return to work after maternity/adoption leave on a part time or full time basis or under an arrangement allowing for them to gradually increase their working hours over an agreed period.
- 3.5.3.
- 3.5.4. Parents will be able to undertake part time ad hoc work within the organisation during unpaid maternity/adoption leave if they wish and there is a service requirement for them to do so. Undertaking paid work for any other organisation during leave will require the organisation's approval as per the employee's contract of employment, and the onus is on the employee to ensure their manager is aware and has given this approval. This will not affect any of their rights regarding their return to work after unpaid leave.

3.6. Flexi-Time Systems

- 3.6.1. The basic principle of flexi-time arrangements is that it provides for staff to work their contracted hours more flexibly but at the same time meeting the requirements of management in the provision of a service. It is not a process for the accrual of lieu time. Accrual of time constitutes additional hours or overtime, and should only be worked with the consent of the appropriate manager.
- 3.6.2. Flexi time schemes are available for use throughout the organisation. The scheme allows for employees to have flexible start and finish times around core hours. Core start and finish times (where appropriate) should be determined by local managers within all services

- including those that operate over extended hours or on different shifts over 24 hours.
- 3.6.3. The organisation undertakes, however, to consider extending the flexibility in individual cases to meet special needs and to review the overall scheme regularly with the JCNC. When considering an extension to the scheme the needs of the service must always take priority.
 - 3.6.4. In accordance with Agenda for Change (AfC) terms and conditions, all full time staff works a 37.5 working hour week. All staff working on a Band 7 or below are eligible for overtime payments for hours worked over the full time working week. The only staff on Agenda for Change terms and conditions not eligible for overtime payments will be staff employed on Band 8 and above.
 - 3.6.5. Overtime can only be worked by mutual consent between the two parties concerned, however overtime should be discouraged.
 - 3.6.6. There is a requirement on behalf of management that before any overtime payments are made, overtime must be agreed in advance. This does not preclude staff from taking flexi-leave and time off in lieu. What it does mean is that all departments within the organisation will need to have in place systems for recording working hours for all staff Band 7 and below. Either standard time sheets or where these are not used for pay purposes a flexi-time sheet system will provide these details and will also provide an audit trail.
 - 3.6.7. If overtime is considered as necessary it is essential for there to be an understanding before the time it is worked as to whether the employee wishes to take time in lieu or payment.
 - 3.6.8. The Working Time Regulations 1998 require the organisation to keep adequate records to show they have complied with the weekly working time limit of 48 hours (averaged over a 17 week period).
 - 3.6.9. All members of staff working under the flexi-time system are required to complete time sheets which are available in paper based format or electronically on the network (available from Workforce Services).
 - 3.6.10. All hours worked will be added up at the end of each month to show any excess hours or deficit hours which will be carried over into the next month. These should be monitored and signed monthly by the employee and the manager and kept by the manager and may be used for audit purposes.
 - 3.6.11. Where necessary reports will be submitted to Executive Directors/Trust Board. The time sheets must be retained by the nominated representative in the Directorate for a period of 2 years for monitoring purposes. They must be available for inspection by Health and Safety Executive (HSE) representatives.
 - 3.6.12. Flexi-time working may occur during the times the departments are operational. Flexi-time will be credited outside these hours in exceptional circumstances when agreed with the manager.
 - 3.6.13. The Working Time Regulations 1998 provides workers with the statutory right to an uninterrupted unpaid break of 20 minutes when daily working time is more than 6 hours. It should be a break in working time and should not be taken either at the start or end of a working day.. Although the statutory requirement is 20 minutes a minimum 30 minute break in the middle of a work period should be considered as best practice. This should be recorded as such on paper or electronic timesheets along with each day's total hours worked (for Band 7's or below).

- 3.6.14. Where an employee is required to attend a meeting or deliver services at a base or venue other than their usual base at the end (or beginning) of the working day, the additional time taken after the first 25 miles/ 30 minutes difference in travelling time to and from this location should be reimbursed as time in lieu. Employment contracts state that employees are expected to be mobile and work from other bases – travel mileage in accordance with AfC mileage allowances are paid for these journeys but employees are expected to reach their destination at the appointed time and services should not be delayed due to employees travelling to different venues. Any time over and above should be recorded on a timesheet and will be scheduled as part of the working day or alternatively given as time off in lieu. As best practice, additional travel time should be requested by managers no more than twice a week. Advice can be sought from the HR Adviser for the Business Unit.
- 3.6.15. Where an employee is required to travel to attend training at a place other than their usual base at the end (or beginning) of the working day, any extra time difference in travelling can be claimed in accordance with the Education, Training and Development Policy. Any flexi-time – including travelling time – attributed to training sessions (external courses/professional qualifications) will be as negotiated with the manager prior to authorisation of the said training and recorded on T1 forms and timesheets as per the Education, Training and Development Policy. Managers will need to take into consideration early finish times to training, negotiations for external/ professional training i.e. payment of fees against travel time and ensuring that all training is booked at the nearest venue / location possible in order to ensure that unnecessary costs are not incurred by the organisation. It is the manager's responsibility to monitor and take necessary action where it is considered that employee requests to claim travel time / mileage for training may be reduced.
- 3.6.16. Requests to take any flexi-time owing should be made to the manager at least 24 hours in advance except in exceptional or emergency circumstances.
- 3.6.17. Time sheets will be completed daily and should not be filled in retrospectively or in advance.
- 3.6.18. Individuals must not accrue more than 15 hours for full time staff or pro rata for part-time staff in any calendar month. Any hours accrued during a month should be taken within the following 3 months. Where a manager has approved additional working hours and is then unable to allow the employee to take back this time within the 3 months, arrangements must be made for staff on bands 1-7 to be paid, or to take specific time off in lieu, to be identified before further accrual can take place.
- 3.6.19. The maximum minus allowed is 7.5 hours for full-time staff, or pro-rata to 7.5 hours for part-time staff. Any minus should be corrected within 3 months.
- 3.6.20. It is for line managers to assess the staffing requirements of the service, and arrange staffing levels accordingly, however line managers are asked to follow the principles of flexi-time wherever possible. Where because of skills mix issues flexible working hours are not possible consideration should be given to introducing staggered start times, annualised hours, self-rostering of shifts or other appropriate working patterns which can incorporate service needs with an individual's home/work life balance as per this policy.

3.7. Flexible Self-Rostering

- 3.7.1. Team based self-rostering will be encouraged particularly where there are large mixed teams with a variety of personal circumstances, each with different preferences about work patterns. The rota should be drawn up and agreed by the team with the manager being responsible for ensuring that rotas are equitable and fair. Where the staff team and

managers are in agreement self-rostering will be introduced.

- 3.7.2. Flexible rostering, using periods of work of differing lengths within an agreed overall period should be accommodated wherever possible.
- 3.7.3. Prior to an agreement for self rostering/flexible rostering parameters must be agreed with the manager. These will include;- Minimum and maximum staff levels for each hour of the day. The skill, grade and if appropriate the gender mix for each shift. The process for dealing with disputes when preferences cannot be accommodated.
- 3.7.4. The benefits of self-rostering are:-
 - Promotion of a culture where members of staff cooperate with each other to balance their work and personal commitments and develop a rota which provides for both personal needs and service needs.
 - A bottom up approach to scheduling work gives staff a greater feeling of control over the pattern of their working life.
 - Improved consultation, communication and team involvement.
 - Staff can attend appointments without losing a whole shift.
 - Better motivated staff results in better patient care/service delivery
- 3.7.5. Trial periods can be undertaken with set review dates to agree to carry on or revert back to previous working arrangements.
- 3.7.6. Career Break – see separate Policy
- 3.7.7. Home working – see separate Policy
- 3.7.8. Hot Desking – see separate Policy
- 3.7.9. Job Sharing – see separate Policy

4. Application to Change Existing Working Arrangements

4.1. Applying

- 4.1.1. The initial onus is on the employee to make a considered application in writing using the form (Appendix 1) to their manager, to request any change in existing working arrangements. The manager should then send a copy of the form to Workforce Services, Beech House for personal filing and monitoring. An individual can only make one request for flexible working in a 12 month period.
- 4.1.2. The applicant should clearly describe what their preferred work pattern would be, the reasons for the request and detail the overall benefits to themselves and/or the organisation should such a change be approved.
- 4.1.3. An accepted application will mean a permanent change to the employee's existing terms and conditions, therefore the employee will not have the automatic right to revert to their former work pattern (except where a temporary/fixed term change has been agreed).
- 4.1.4. It is important therefore that, before making an application, the employee gives careful consideration to which working pattern will fit best with their domestic circumstances, any financial / pension implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the organisation and how

these might be accommodated.

4.1.5. In response to an application to request any change in existing working arrangements, it is the manager's responsibility to ensure that they give full consideration in regards to:

- the appropriate level of workforce planning
- skill mixing
- the potential impact on the team
- additional cost implications
- continued ability to meet service demand
- ability to re-organise work among existing staff or recruit additional staff

As an NHS organisation there is a need for the organisation to continually review and consider the most appropriate ways of working in light of current priorities. In considering any request to change existing working arrangements it may therefore be appropriate for managers to consider the need for the continuation of the affected role and the potential for alternative working options.

4.2. Meeting

4.2.1. The manager (following consultation with their Human Resources Adviser if required) will arrange to meet with the employee in a timely manner (usually within 28 days). This will enable the manager and employee the opportunity to explore the desired working pattern in depth, and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired working pattern outlined in the employee's application.

4.3. Decision

4.3.1. Following the meeting the manager will write to the employee in a timely manner (usually within 10 normal office working days) to either:-

- a) agree to the proposed new work pattern and agree a start date for the change
- b) agree to an alternative work pattern and agree a start date for the change
- c) agree to alternative working options including change of base, role or working arrangements or
- d) provide clear business grounds and reasons why the application cannot be accepted.

4.3.2. Managers may wish to introduce the changes on a pilot basis in the first instance to ensure that the new flexible arrangement is working well prior to agreeing to the change on a permanent basis.

4.3.3. A copy should be forwarded to Workforce Services to be kept on the employee's personal file

4.4. Refusing a Request on Service Grounds

4.4.1. An application can only be refused where there is a clear service reason, which must fall into one of the categories below:

- burden of additional costs
- detrimental effect on ability to meet service demand

- inability to re-organise work among existing staff
 - inability to recruit additional staff
 - detrimental impact on performance
 - detrimental impact on quality
 - insufficient work during the periods the employee proposes to work
 - planned structural changes
- 4.4.2. If a manager is unable to meet the request for service reasons the employee **MUST** be informed in writing;-
- stating the service ground(s) why the request cannot be accepted
 - providing an explanation as to why the service reasons apply in the specific circumstances
 - informing the employee of how to appeal against the decision
- 4.4.3. The manager will ensure that the explanation accompanying the service grounds is sufficient and is agreed in liaison with their Human Resources Adviser and copied to Workforce Services, Beech House for personal files.

4.5. Extension of Time Limits

- 4.5.1. The process of considering a flexible working request, including any appeals must be completed within three months of the request being received.
- 4.5.2. If the manager needs more time to consider the application e.g. if more time is required to look at certain aspects of the work pattern, the manager should make an agreement with the employee for an extension of the time limit to deal with this request (usually for 14 days).
- 4.5.3. The manager must make a written record of the agreement, which must:
- specify what period the extension relates to
 - specify the reason for the extension
 - specify the date on which the extension is to end
 - be dated
 - sent to the employee.
- 4.5.4. Where the manager is absent from work for an extended period due to illness or leave, an alternative manager should be identified to deal with the request. In exceptional circumstances where this is not possible, an extension to the 3 month period may be agreed with the individual following the process described in 4.5.3 above.

4.6. Appealing the Decision

- 4.6.1. The employee has 15 normal office working days to appeal after the date of notification of the manager's decision using the grievance procedure.
- 4.6.2. At the appeal meeting the employee will have the right to bring a friend, union representative or colleague.
- 4.6.3. If the appeal is upheld the written decision must be dated and:-
- include a description of the new working pattern
 - state the date from which the new working pattern is to take effect

5. Health and Safety Aspects

- 5.1. When flexible working hours includes working outside normal working hours, it is of paramount importance that normal safety procedures are rigorously followed. In the case of flexible working arrangements resulting in lone working, managers, line managers and employees need to ensure adherence to protocols within the organisation's Lone Working Policy.
- 5.2. Flexible working should be seen as a way to improve an individual's ability to balance their work life according to their individual needs and the needs of the service, however the organisation's Working Time Regulations Policy should always be taken into consideration when discussing new ways and patterns of working.

6. Monitoring, Review and Evaluation

- 6.1. The fair application of this policy will be monitored across the organisation at all levels by the Workforce Services Centre. This will involve keeping a register with all details of every flexible working application and the outcome.
- 6.2. Applications and outcomes will be analysed annually and used to review and revise policies and procedures to ensure their continuing effectiveness.
- 6.3. Applications and outcomes from both employer and employees should be recorded and kept for a minimum of one year.
- 6.4. In evaluating the success of the policy, the organisation will monitor:
- the number of staff requesting to work flexibly
 - the number of staff offered flexible working opportunities
 - the number of staff indicating use of the policy as measured by the annual Staff Survey
- 6.5. The information will be monitored and analysed by Workforce Services and reported in the quarterly Workforce and Transformation reports to the organisation's Board.

Minimum requirement to be monitored	Process for monitoring eg audit	Responsible individuals/ group committee	Frequency of monitoring /audit	Responsible individuals/ group/committee (multidisciplinary) for review of results	Responsible individuals / group / committee for development of action plan	Responsible individuals / group/ committee for monitoring of action plan
Number of employed staff applying for flexible working opportunities	Audit of applications held within Workforce Services Centre	Workforce Services			Workforce Services Centre	Workforce and Transformation Board Assurance Group

Appendix 1

Application to Change Working Arrangements

This application must be completed and submitted to your manager. Please provide as much notice as possible prior to your proposed date of change.

Name: Job Title:

Department: Contact no/email

Details of current working pattern (ie number of days worked per week, Mon-Fri, 5 days in 7 etc):

Existing weekly contracted hours:

If part-time please circle your normal working days per week:

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

I wish to apply for a temporary/permanent (delete as appropriate) change to my existing working pattern.

I would prefer this change to start on and end on (temporary changes only)

Details of proposed new working pattern:

(Please give full details indicating actual days/hours/shift patterns to be worked)

Reasons for the proposed change:

Details of how this change can be accommodated:

I have / have not (delete as appropriate) discussed my proposal with my work colleagues.

I have considered my proposal carefully, including any financial / pension implications this may have on me personally should the change be approved.

Signed..... Date:

To be completed by the applicant's manager

Date Application received

I agree / disagree (delete as appropriate) with the proposed change, which if accepted shall commence on:

.....

Alternative working pattern discussed and agreed (where applicable)

To commence on:

Service Reasons for disagreement (where applicable)

The reasons must be discussed with the applicant and confirmed in writing.

Print Name..... Signed.....

Designation..... Date.....

When this form is completed by employee and manager, please send a copy of the form to Workforce Services at Beech House for personal filing and monitoring.

If an application to change existing working arrangements is approved, the manager is also required to complete an EF2 (Change Form).

Appendix 2 Letter to Employee

Our Ref:
Your Ref:
Please ask for:
Telephone:
E-mail address:
Date:

PRIVATE & CONFIDENTIAL

[Name]
[Address]

Dear [Name],

Application to Change Working Arrangements

Thank for your application to change your existing working arrangements which I received on ...

Further to the meeting which took place on.... during which we discussed this application, I can confirm that the main points of the discussion were.....

Either

I am pleased to confirm that your request has been approved and as agreed will commence on..... for a temporary period of..... OR this was agreed as a permanent change but will be subject to regular review in line with service need. Please see EF2 form attached, I would be grateful if you could ensure the details are correct and sign then return this to me for submission.

OR

Unfortunately I have not been able to approve this request for the following reasons (one of the 8 or 9 allowed reasons)

You are entitled to appeal this decision, if you wish to do so please ensure this is done in writing within 15 normal office working days of receipt of this letter to (Insert name of your Manager) following which an appeal meeting will be arranged.

Yours sincerely

Insert your name
CC Workforce services department

Appendix 3

Equality Analysis

Title: Flexible Working Opportunities Policy

Relevant line in:

What are the intended outcomes of this work? *Include outline of objectives and function aims*

The policy aims to address the increasing demand for more flexibility in working practices in order to accommodate the personal goals and commitments that employees experience in their working lives including semi-retirement of staff.

Flexible working should be available to all employees and should enable the organisation to recruit and retain skilled staff, raise staff morale, reduce absenteeism, respond to changing market conditions more effectively and allow more mature employees a more effective work life balance in regard to flexible retirement.

Who will be affected? *Eg staff, patients, service users etc*

All Trust staff and applicants.

Evidence *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment.*

This Policy aims to ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or disadvantage by conditions or requirements which are not justified by the job.

Employees are valued for the contribution they make and not according to their work patterns. There will be no discrimination against any member of staff who takes up the opportunities provided by this policy either by barring access to promotion or personal and professional development.

What evidence have you considered? *List the main sources of data, resource and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence state what you will do to close them in the Action Plan on the last page of this template.*

Legislative Requirements

Disability *Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.*

Sex Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).
Race Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.
Age Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding consent and child welfare.
Gender reassignment (including transgender) Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.
Sexual orientation Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people
Religion or belief Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.
Pregnancy and maternity Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.
Carers Consider and detail (including the source of any evidence) on part-time working, shift patterns, general caring responsibilities.
Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income resident status (migrants) and other groups experiencing disadvantage and barriers to access.

Engagement and involvement
Was this work subject to the requirements of the Equality Act and the NHS Act 2006 (Duty to involve)? (Y/N)
How have you engaged stakeholders in gathering evidence or testing the evidence available? Consultation via human resource colleagues and staff side representation.
How have you engaged stakeholders in testing the policy or programme proposals? Individual feedback.
For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs: Circulated via email/posted on staffside website.

Summary of Analysis *Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.*

No negative feedback

Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.

Advance equality of opportunity Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

N/A

Eliminate discrimination, harassment and victimisation *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

N/A

Promote good relations between groups *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

N/A

What is the overall impact? *Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?*

N/A

Addressing the impact on equalities *Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.*

N/A

Action planning for improvement *Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.*

None required at present.

Any future improvements / amendments will be done through consultation via the Employment Policy Group

Please give an outline of your next steps based on the challenges and opportunities you have identified. Include here any or all of the following, based on your assessment

- Plans already under way or in development to address the **challenges** and **priorities** identified.
- Arrangements for continued engagement of stakeholders.
- Arrangements for continued monitoring and evaluating the policy or service for its impact on different groups as the policy/service is implemented (or pilot activity progresses)

- Arrangements for embedding findings of the assessment within the wider system, other agencies, local service providers and regulatory bodies
- Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results
- Arrangements for making information accessible to staff, patients, service users and the public

Arrangements to make sure the assessment contributed to reviews of DH strategic equality objectives.

For the Record

Name of person who carried out this assessment:

Kerry Swift

Date assessment completed:

19.03.2015

Name of responsible Director/Director General

Maz Fosh

Date assessment was signed: