

## Flexible Working Policy

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**Flexible Working Policy –  
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 &amp; 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	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 2011

		<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 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 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 3.7.14	Re worded section to assist clarification	Lyndsey Clapham	March 2016
6	All	Full review of policy	Lyndsey Clapham	February 2017
7	All	Full review of policy, re-written and incorporation of Job Share policy.	Clare Nock	January 2019
7.1	Section 3.6	Inclusion of Agile Working section taken from P_HR_65 Your Work Style Matters	Francesca Civitillo	July 2019

		<u>Agile Working Policy.</u>		
7.21	Entire document	This document has been checked by the policy owner who has confirmed that it is fit for use and that it will be fully reviewed and updated as appropriate before the end of the extension period granted by LCHS Trust Board on 12/1/2021	Corporate Governance Team	January 2021

# Flexible Working Policy

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## **Flexible Working Policy**

### **Policy Statement**

Background	The policy outlines different types of flexible working and the procedure for all employees to follow should they wish to change their existing working arrangements. It 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.
Statement	Flexible working should be available to all employees and should enable the Trust to recruit and retain skilled staff, raise staff morale, reduce absenteeism and respond to changing service needs more effectively.
Responsibilities	Implementation and compliance with this policy will be the responsibility of all employees and managers.
Training	Specific training is not necessary. All staff should make themselves familiar with this policy.
Dissemination	Internet / Team Brief Notification
Resource implication	The Trust needs to consider the implications of cover for the different types of flexible working, ensuring service needs continue to be met.

## **1. Introduction**

LCHS 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.

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 Trust to recruit and retain skilled staff, raise staff morale, reduce absenteeism and respond to changing service needs more effectively.

Flexible working arrangements are available to all employees and all jobs can be considered for flexible working unless there is a clear, demonstrable operational reason why this is not practicable.

Flexible working 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.

Employees are encouraged to discuss their changing circumstances with their line 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 looking to work flexibly is detailed in this policy.

## **2. What is flexible working?**

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be the typical arrangements that employees will request but LCHS recognises that there may be alternatives or a combination of options which are suitable to both the Trust and the employee:

- Part-time working
- Annualised hours
- Flexi-time
- Compressed hours
- Job sharing
- Agile working
- Flexible retirement options – See separate policy

## **3. Types of flexible working**

### **3.1 Part-time working**

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. Arrangements may include annualised hours and temporary or permanent reduction in hours as may be agreed with the individual and their manager.

All part-time staff will receive the same benefits of terms and conditions for full time staff on a pro-rata basis and will have equal access to training and development.

### **3.2 Annualised hours**

Annualised hours is where an employee agrees to work a set number of hours per year but the pattern by which they are worked does not necessarily follow a set routine or pattern.

Annualised hours contracts 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 service needs. 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.

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. 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.

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.

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.

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.

Where managers approve an application for an annualised hours contract, an EF2 form should be completed indicating the standard hours and ESR hours (weekly payment) in the change column and the calculation for the total annualised hours per financial year in the comments.

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 Flexi-time**

The basic principle of flexi-time arrangements is that it enables staff to work their contracted hours more flexibly whilst meeting the provision of a service.

Flexi-time allows for employees to have flexible start and finish times around core hours and should be agreed with the manager. Core start and finish times (where appropriate) should be determined by managers within all services including those that operate over extended hours or on different shifts over 24 hours.

Flexi-time is not a process for the accrual of lieu time. Accrual of lieu time constitutes additional hours worked beyond contractual hours, and should only be worked with the consent of the appropriate manager.



### **3.4 Compressed hours**

Compressed hours are an arrangement where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days.

### **3.5 Job Sharing**

Job Sharing is an arrangement whereby normally two or possibly more people share the responsibility for one post and the financial remuneration and benefits are divided between them according to the amount of time they each work in the role. It is important to note that there is a difference between part time working and job sharing. A variety of arrangements are possible dependent upon the way in which the job sharers may wish to organise their work.

A vacancy for a job-share may be created when:-

- a) A new post is established and designated as suitable for job sharing
- b) An existing job holder leaves and the post becomes vacant
- c) An employee in an existing job-share post leaves
- d) An existing job holder wishes to reduce their hours

Where an existing job sharing employee loses a partner the manager should consider if there is a requirement to recruit to this vacancy.

In the event of one job share partner leaving or taking extended leave e.g. maternity/adoption/sickness or career break, the manager will review the post and, if there is still a need for the vacant hours to be filled.

The manager will confirm in writing the split of hours, annual leave entitlements and constraints, details of supervision, appraisals, allocation of duties and distribution of work and responsibilities. It is recommended that the division of hours should not be significantly different, and the total hours should not exceed those of the full time post.

Amendments to the agreed working arrangements, whether temporary or permanent, will only be made after discussion with both job share partners. On appointment, job share partners will each be given an individual contract setting out in detail the conditions of the particular job share arrangement.

### **3.6 Agile Working**

Agile working is the term used to describe how employees can work flexibly from any location, whether it is from a Trust building, within the community, our partner organisations, by varying degrees of home working and regular hot-desking, or a combination of these. As an agile worker, the workplace becomes the most appropriate place for an employee to do their job at any given time; this could change from one day to the next.

Agile working is about flexibility, simplicity and prioritising our service needs and the Trust recognises the need to develop and adopt modern working practices to enable employees to maximise their performance and productivity whilst maintaining a good work life balance. Agile working provides staff with more options, enabling the Trust's workforce to carry out their duties in a more efficient and effective way, and should support the Trust to recruit and retain skilled staff, raise staff morale, reduce absenteeism, and respond to changing market conditions more effectively.

As some roles are more flexible than others, agile working will be adopted at varying levels within services and across the Trust as a whole, as agreed by the relevant line manager

after consultation and assessment for each staff member and role. With careful planning, there is considerable scope for the majority of staff members to carry out their duties using some form of agile working. The different ways in which agile working can be undertaken will be dependent on the demands and needs of the role, the best practical and operational arrangements, the individual's preferences and circumstances, and the department an employee is engaged in.

All staff will continue to have a designated base for travel claims purposes, although they may choose to work from an alternative location to allow for improved efficiency and a more effective service.

Agile workers will be suitably equipped to perform their job role and IT equipment needs may vary from one employee to another. Any office equipment (where agreed to be appropriate) will be provided at the place where the staff member predominantly works and not across multiple sites. The Trust will not provide other equipment and the employee will be required to provide a suitable desk and chair if working from home.

Employees must ensure that other family members or visitors do not access or use Trust equipment at any time or for any purpose, and must also ensure confidentiality is maintained. All staff adopting agile working must; have completed the Information Governance training, abide by Trust policies at all times, have agreed documented hours of work with an updated electronic shared calendar detailing their location, and an available telephone number for contact.

Under the Health and Safety at Work Act 1974, the Trust has a duty to protect the health, safety and welfare of their employees, irrespective of where they may be undertaking their duties. However, the employee also has an obligation to ensure that they take reasonable care not to harm themselves or others.

It will be the individual responsibility of all employees using any hot-desk facility to; undertake a workplace self-assessment, adjust the set-up of the work station to meet their individual health and safety preferences, wash their hands and make use of antiseptic wipes/gel spray, and to leave the work space in an appropriate and clean state.

#### **4. Informal Arrangements**

Employees can have informal arrangements with their line managers regarding working flexibly. This may for example result from a temporary need to adjust hours but such arrangements could be withdrawn at any point in accordance with service needs. In order for a flexible working arrangement to be altered permanently or be agreed for a set trial period, an employee should submit a flexible working application, as detailed below.

#### **5. Flexible Working Application**

##### **5.1 Eligibility**

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. LCHS has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service.

##### **5.2 Application**

An employee is entitled to submit one flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments – please refer to the Your Attendance Matters policy regarding reasonable adjustments).

The process of considering a flexible working request, including any appeals must be completed within three months of the request being received.

To make a flexible working request, employees need to complete an application form (this can be found on the Intranet) and submit this to their line manager.

The employee should clearly describe details of how they want to work flexibly and an explanation of how they think flexible working might affect the business and how this could be dealt with, for example if they are requesting not to be at work on certain days.

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). It is important therefore that employees give careful consideration to any financial / pension implications it might have, if for example looking to reduce hours.

### **5.3 Meeting**

Upon receiving a written request for flexible working the manager will usually seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements
- discuss how it could be of benefit to both the employee and Trust
- consider alternative working patterns should there be concerns with the desired working pattern

If a meeting is arranged it will be held usually within 28 days of the manager receiving the request.

The employee will be given advance notice of the time, date and place of the meeting. If a face to face meeting is difficult to arrange then, if agreed by the employee the meeting may be held over the phone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

Where a flexible working request can, without further discussion, be approved, a meeting to discuss the request may not be necessary. In this case, the employee will be informed of the line manager's agreement to the request by a confirmation letter.

### **5.4 Consideration of flexible working request**

The manager will consider the proposed flexible working arrangements, looking at the potential benefits and consider any adverse effects to the employee and to the Trust in implementing the proposed changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The request may be granted in full, in part or refused. The manager may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. For example, managers may wish to introduce the changes for a trial period in the first instance to ensure

that the new flexible arrangement is working well prior to agreeing to the change on a permanent basis.

A flexible working 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

### **5.5 Decision in writing**

The employee will be informed in writing of the decision as soon as is reasonably practicable, usually within 14 working days of the meeting.

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment via an EF2.

### **5.6 Right of Appeal**

The employee has the right to appeal the decision if their request is refused or only agreed in part. An employee who wishes to appeal must do so in writing stating the grounds for appeal within seven calendar days of being notified of the decision in writing. An independent appeal manager would be appointed and their decision would be final. At the appeal meeting the employee will have the right to bring a friend, union representative or colleague.

## **6. Health and Safety Aspects**

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, and employees need to ensure adherence to protocols within the Trust's Lone Working Policy.

## **7. Equality and Diversity Statement**

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee or patient receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

## Appendix 1 - Monitoring Template

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	HR	Quarterly	People Executive Group	HR	People Executive Group

## Appendix 2 - Equality Analysis

**Name of Policy/Procedure/Function\***  
**Flexible Working Policy**

**Equality Analysis Carried out by: Francesca Civitillo**  
**Date: 05<sup>th</sup> July 2019**  
**Equality & Human rights Lead: Rachel Higgins**

**Director\General Manager: Ceri Lennon**

**\*In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

### Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	The policy outlines different types of flexible working and the procedure for all employees to follow should they wish to change their existing working arrangements.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? <b>Please give details</b>	NA – all staff are eligible to apply for flexible working arrangements.		
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? <b>Please give details</b>	NA - No evidence.		
D.	Will/Does the implementation of the policy\service result in different impacts for protected characteristics?			
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	

	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
	<b>If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2</b>			
The above named policy has been considered and does not require a full equality analysis				
<b>Equality Analysis Carried out by:</b>		Francesca Civitillo		
<b>Date:</b>		05 <sup>th</sup> July 2019		