

Flexible Working Policy

DOCUMENT CONTROL SHEET

Document Owner: Director of HR and ODL
Document Author(s): Tina Ryan, HR Business Partner
Version: 1.1
Directorate: HR and ODL
Approved By: Policy Forum
Date of Approval: **23 May 2017**
Date of Review: **1 June 2019**
Effective Date: **1 June 2017**

Change History:

Version	Date	Reviewer(s)	Revision Description
V1.0	April 2017	HR Business Partner Team.	Adapted for use as the shared service policy.
V1.1	Nov 2018	Hannah Preston	Updated version number following addition of West Essex CCG references and updated logo.

Implementation Plan:

Development and Consultation	Staff representatives, Management Representatives Government Leads, all Staff
Dissemination	This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.
Training	There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy.
Monitoring	The CCG proactively monitors and reports on take up of flexible working. The data identified from monitoring will be used to update the policy ensuring best practice.
Review	February 2020
Equality & Diversity	17/05/2017 - Equality Impact Assessment
Associated Documents	▪

References	▪
------------	---

Document Status:

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of this document are not controlled. As a controlled document, this document should not be saved onto local or network drives but should always be accessed from the intranet.

 Do you really need to print this document?

Table of Contents

1.0	Introduction	5
2.0	Scope.....	5
3.0	Definitions	5
4.0	Policy Statement.....	6
5.0	Roles and Responsibilities	7
5.1	Managers are responsible for:	7
5.2	HR and ODL Shared Services are responsible for:	8
5.3	The person submitting the Flexible Working Request must:	8
6.0	Procedure	9
6.1	Application process.	9
6.2	Consideration of Requests	10
6.3	Appeals Process.....	10
	Appendix 1 - Flexible Work Request – Flow Chart	12
	Appendix 2 – Flexible Working Application Form.....	13
	Appendix 3 – Equality Impact Assessment Stage 1 Screening.....	15

1.0 Introduction

NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups, (respectively referred to as ‘the CCG’) are committed to introducing and supporting initiatives that make a difference to the work-life balance of its employees. It recognises the need to develop positive flexible working arrangements to allow staff to balance work responsibilities with other aspects of their lives.

The CCG is aware that employees may wish to request flexible working arrangements for a variety of reasons, and is committed to facilitating such opportunities wherever the employee’s preferred working arrangements can be balanced with the CCG’s commitment to commissioning quality services.

Decisions regarding the application of flexible working agreements will be made based on organisational needs at the time of application.

Agreed flexible working arrangements will be reviewed on a regular basis, which will be agreed at the confirmation of the new arrangements.

This policy has been developed with reference to the Flexible Working Regulations 2014.

2.0 Scope

This policy applies to all CCG staff members, including Governing Body Members and Practice Representatives, whether permanent, temporary or contracted-in (either as an individual or through a third party supplier).

3.0 Definitions

Part time working	Number of hours worked by mutual agreement, to an agreed pattern which are less than the full time contracted hours
Flexible start finish times	The employees chooses their own start and finish time around fixed core hours
Job sharing	Two or more employees share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them

Home working	Contractual obligations are met by the employee working remotely/at home, on a temporary or permanent basis
Term time working	Contracted hours are worked during term time only. All holidays are taken during school holidays but are paid monthly all year round at a pro-rata rate
Annualised hours contracts	A specific number of hours are worked each year, with the hours being unevenly distributed throughout the year.
Employment Break	Employees can apply for a uninterrupted career break for at least three months and up to five years whilst still retaining their Contract of Employment with the organisation
Phased Retirement	Reduced hours leading up voluntary retirement
Compressed hours	Alternative work arrangement where a standard workweek is reduced to fewer than five days, and employees make up the full number of hours per-week by working longer days.
Overtime	This is not available in the CCG
TOIL	Applies up to and including Band 7 and subject to Working Time Regulations
Buying/selling annual leave	This scheme allows employees some flexibility to their leave entitlement, by buying some additional leave days or by selling some of their leave days.

4.0 Policy Statement

The purpose of this policy is to provide information to line managers and employees of the flexible working options available, the general conditions of eligibility and the application process with regard to flexible working requests.

5.0 Roles and Responsibilities

5.1 Managers are responsible for:

- Ensuring that employees are aware of this Policy;
- Seeking support regarding the application of this policy from HR and ODL shared service, as appropriate.
- Monitoring and reviewing the effect of the flexible working change has on the service;
- Holding an initial 3 month review meeting with the employee following the change and regular review meetings thereafter as appropriate;
- Treating all applications for flexible working from their staff fairly, consistently and sensitively and ensure that any personal information, including medical diagnosis, is kept in complete confidence
- In the event that an employee's request cannot be accommodated, consider whether an alternative working arrangement can be agreed, which will suit the needs of both the employee and the needs of the organisation.
- Responding to Flexible Working request in the timescales set out below
- Informing HR of any impact on changes to pay
- Enabling the employee to exercise their right to submit a Flexible Working Request.
- Being open minded and be prepared to constructively discuss how flexible working can be accommodated
- Ensuring risk assessments are carried out, where required, in accordance to the Agile Working Policy.

5.2 HR and ODL Shared Services are responsible for:

- Providing advice concerning the application of this procedure to ensure compliance with the relevant legislation.
- Monitoring the application of the policy to ensure it is applied in a fair and consistent way to each concern raised.
- Keeping records, monitoring and auditing the number and nature of applications made and decisions taken.
- Processing pay on changes and issuing Amendment to Contracts.
- Keeping the policy updated with legislation.

5.3 The person submitting the Flexible Working Request must:

- Give due consideration to the potential impact of their request on organisational needs, and whether there are any ways in which this can be mitigated prior to submitting any request for flexible working arrangements.
- Complete the appropriate application form (**appendix 2**).
- Comply with the processes and procedures within this policy.
- Attend an initial 3 month review meeting following the start of the new arrangements and regular review meetings thereafter, if required.
- Provide adequate notice of your request as the process could take up to three months or longer to ensure there are processes in place to enable flexible working.
- Ensure that approval has been sought from line manager prior to any flexible working.
- Being open minded and be prepared to constructively discuss how flexible working can be accommodated

6.0 Procedure

6.1 Application process.

The procedure outlined below (illustrated in **Appendix 1**) should be followed when applying for flexible working:

The employee must apply by completing the Flexible Working Application Form (**appendix 2**) and return it to their line manager.

The application must specify the change requested, the date the change is proposed to become effective, what effect this may have on the employer/service, how it may be mitigated and the reason for the request.

Within 14 working days of receipt of the application, the line manager will meet with the employee to discuss the request.

When considering the request for flexible working, the line manager should take into account the needs of the organisation and the possible effect on other employees within the department.

Within 14 working days of that meeting, the line manager must notify the employee in writing of their decision.

If the request for flexible working is granted, this will result in a permanent change to the employee's terms and conditions of employment, unless the flexible arrangement is agreed for a specified period of time only.

If the request is refused, the line manager will provide written reasons for this decision. In such circumstances, the employee will be offered the right to appeal (see section 6.3 – **Appeals Process**).

Copies of all correspondence must be placed on the employee's personal file.

Once an agreement is made the subsequent contract becomes a Change of Circumstances and the employee has no automatic right to revert to their original working pattern.

Working arrangements that are put in place as a result of a flexible working application will be subject to review after a period of 3 months and agreed times thereafter. This is to ensure that the agreed aims and objectives of the arrangement are being met

6.2 Consideration of Requests

Requests to work flexibly must be considered objectively and can only be refused if there are business reasons for doing so. The statutory code of practice requires employers to do this. These business reasons are set out in legislation and are:

- Burden of additional costs: consideration should be given as to whether the proposal's less obvious saving such as a reduction in overheads from homeworking and better coverage of service or increased outputs.
- The proposed change will have a detrimental effect on the business's ability to meet service demand.
- Detrimental impact on performance. This can mean of the individual, the team or the whole organisation.
- An inability to reorganise work among existing staff.
- A detrimental impact on quality.
- There is insufficient work during the period the employee wishes to work.
- Planned structural changes, for example, where a reorganisational change is proposed and therefore may not fit with these plans.
- Avoiding unlawful discrimination: In considering these business reasons the manager must be careful not to inadvertently discriminate against particular employees because of their protected characteristics.

If a request for flexible working is declined, the Line Manager must write to the employee within 10 working days of the meeting to confirm this decision and set out the rationale, based on the reasons above.

The employee has the right to appeal against any decision to decline the flexible working request, as set out below.

6.3 Appeals Process

Should the application for flexible working be denied, there is a right to appeal. Any appeal must be submitted in writing within 10 working days of the date of the decision being made known, to the appropriate next level manager.

An Appeal Hearing will be arranged as soon as practicable, (normally within 10 working days).

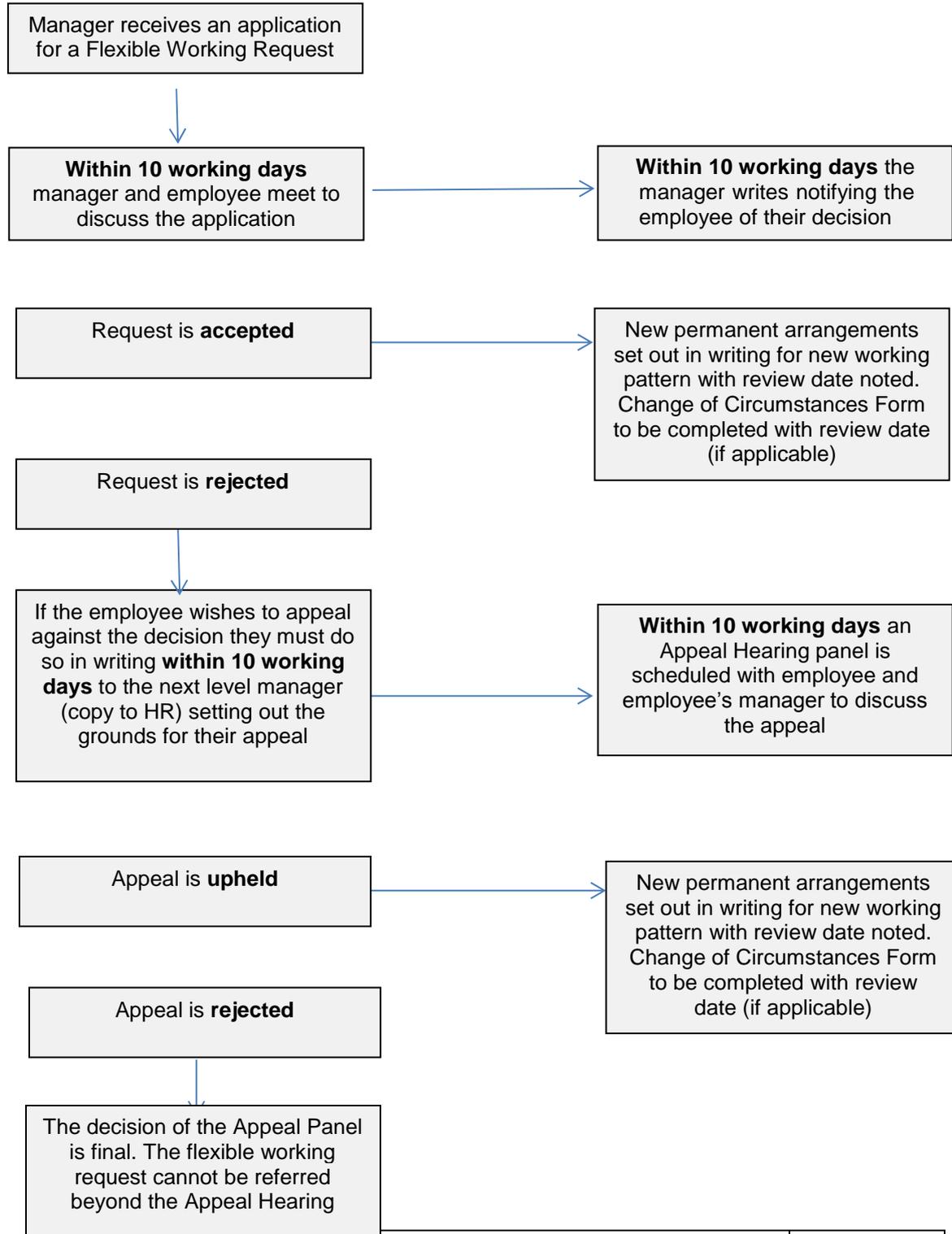
An Appeal Hearing Panel will consist of the next level manager and a Human Resources representative, neither of whom will have previously been involved in the case.

The Appeal Panel will consider the grounds that are put forward by the employee and assess whether or not the outcome by the line manager was appropriate.

Following the Appeal Hearing, the employee will be informed of the outcome in writing within 10 working days.

The decision of the Appeal Panel is final. An appeal cannot be referred beyond the Appeal Hearing decision.

Appendix 1 - Flexible Work Request – Flow Chart



Appendix 2 – Flexible Working Application Form

<u>SECTION 1</u>	
Name:	Post Title:
Address:	Department:
<u>SECTION 2</u>	
Details of your current working pattern:	
Details of your proposed new working pattern:	
Detail how you think this will affect your department and the service needs.	
If you have identified any negative impact on your flexible working request, what potential solutions do you propose?	
What is the proposed effective date of change	
Is your request in relation to the Equality Act 2010	

Detail of how this will benefit personally to carry out your role within the CCG

Detail how this will benefit you and the CCG

Employee's signature: _____

Date: _____

SECTION 3

For completion by manager (to be returned to the employee within 28 days of receiving the application)

**Date Application Received:
applicable):**

Date of First Meeting (if

Date of Decision:

Manager's Name & Signature:

Date new arrangements to commence:

If request declined, please state reason:

Please send a copy of this form to the employee, and HR

If a pay impact in change is agreed please submit a Change of Circumstance form.

Appendix 3 – Equality Impact Assessment Stage 1 Screening

Title of policy, service, proposal etc being assessed:

Flexible Working Policy

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

NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups, (respectively referred to as ‘the CCG’) are committed to introducing and supporting initiatives that make a difference to the work-life balance of its employees. It recognises the need to develop positive flexible working arrangements to allow staff to balance work responsibilities with other aspects of their lives.

How will these outcomes be achieved? What is it that will actually be done?

The CCG is aware that employees may wish to request flexible working arrangements for a variety of reasons, and is committed to facilitating such opportunities wherever the employee’s preferred working arrangements can be balanced with the CCG’s commitment to commissioning quality services.

Decisions regarding the application of flexible working agreements will be made based on organisational needs at the time of application.

Agreed flexible working arrangements will be reviewed on a regular basis, which will be agreed at the confirmation of the new arrangements.

This policy has been developed with reference to the Flexible Working Regulations 2014.

Who will be affected by this work? E.g. staff, patients, service users, partner organisations etc. If you believe that there is no likely impact on people explain how you’ve reached that decision and send the form to the equality and diversity manager for agreement and sign off

Staff

Evidence

What evidence have you considered? Against each of the protected characteristics categories below list the main sources of data, research 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 or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision

making section on page 9 of this template.

If you are submitting no evidence against a protected characteristic, please explain why.

Age Consider and detail age related evidence. This can include safeguarding, consent and welfare issues.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Disability Detail and consider disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Gender reassignment (including transgender) Detail and consider evidence on transgender people. This can include issues such as privacy of data and harassment.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Marriage and civil partnership Detail and consider evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Pregnancy and maternity Detail and consider evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Race Detail and consider race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Religion or belief Detail and consider evidence on people with different religions, beliefs or no belief. This can include consent and end of life issues.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Sex Detail and consider evidence on men and women. This could include access to services and employment.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Sexual orientation Detail and consider evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Carers Detail and consider evidence on part-time working, shift-patterns, general caring responsibilities.

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Other identified groups Detail and consider evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers).

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Engagement and involvement

How have you engaged stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?

Policy Forum established. Members include representatives of CCGs and Trade Unions

How have you engaged stakeholders in testing the policy or programme proposals?

Policy Forum established. Members include representatives of CCGs and Trade Unions

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Policy Forum established. Members include representatives of CCGs and Trade Unions

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 impacts, if so state whether adverse or positive and for which groups and/or individuals. How you will mitigate any negative impacts? How you will include certain protected groups in services or expand their participation in public life?

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Now consider and detail below how the proposals could support the elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups (the General Duty of the Public Sector Equality Duty).

Eliminate discrimination, harassment and victimisation

No local assessment. Policy based on other CCG’s policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Advance equality of opportunity

No local assessment. Policy based on other CCG’s policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Promote good relations between groups

No local assessment. Policy based on other CCG’s policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Next Steps

Please give an outline of what you are going to do, based on the gaps, challenges and opportunities you have identified in the summary of analysis section. This might include action(s) to eliminate discrimination issues, partnership working with stakeholders and data gaps that need to be addressed through further consultation or research. This is your action plan and should be SMART.

New HR monitoring system being developed

How will you share the findings of the Equality analysis? This can include sharing through corporate governance or sharing with, for example, other directorates, partner organisations or the public.

Publication alongside the policy

Health Inequalities Analysis

Evidence

1. What evidence have you considered to determine what health inequalities exist in relation to your work? List the main sources of data, research 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 or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on the last page of this template.

No local assessment. Policy based on other CCG’s policies and best practice. Also

considered was the relevant Luton And Dunstable University Hospital policy.

Impact

2. What is the potential impact of your work on health inequalities? Can you demonstrate through evidenced based consideration how the health outcomes, experience and access to health care services differ across the population group and in different geographical locations that your work applies to?

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

3. How can you make sure that your work has the best chance of reducing health inequalities?

No local assessment. Policy based on other CCG's policies and best practice. Also considered was the relevant Luton And Dunstable University Hospital policy.

Monitor and Evaluation

4. How will you monitor and evaluate the effect of your work on health inequalities?

New HR monitoring system being developed

Quality Impact Initial Assessment.

Quality can be defined as embracing three key components:

- Patient Safety – there will be no avoidable harm to patients from the healthcare they receive. This means ensuring that the environment is clean and safe at all times and that harmful events never happen.
- Effectiveness of care – the most appropriate treatments, interventions, support and services will be provided at the right time to those patients who will benefit.
- Patient Experience – the patient's experience will be at the centre of the organisation's approach to quality.

What is the impact on:

Patient Safety?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Patient Experience?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
Clinical Effectiveness?	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>

If any there is any negative impact please complete seek advice from the Nursing and Quality Team and a full Quality impact assessment will need to be completed.

Name of person(s) who carried out these analyses: Paul Curry

Date analyses were completed: 17 May 2017