

Trust Policy and Procedure

FLEXIBLE WORKING POLICY

Key Points

- The policy may be applied to employees who have 26 weeks or more service with the trust
- Employees can only make one request in any 12 month period
- Flexible working arrangements must be reciprocal and beneficial to both the employee and the trust
- Managers must have a sound business/ service decision for rejecting any request

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Policy	Special Leave Policy
Policy	Career Break Policy
Policy	European Working Time Directive (EWTD) Policy
Policy	Equality and Diversity Policy
Policy	Retirement Policy
Policy	Recruitment and Selection Policy
Guidance	Job Share Procedure
Policy	Retire and Return Policy

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1. INTRODUCTION

- 1.1 Frimley Health NHS Foundation Trust (the trust) recognises the difficulties that may be faced by individual employees in terms of balancing domestic and work responsibilities.
- 1.2 The trust is committed to improve the recruitment, retention and motivation of its employees and in this respect it aims to assist them in balancing their work and home responsibilities.
- 1.3 Frimley Health NHS Foundation Trust is committed to the provision of a service that is fair, accessible and meets the needs of all individuals.

2. SCOPE OF THE POLICY

This document is intended to encourage flexibility by building on existing arrangements and extending those principles to other possible methods of working, which managers and employees might consider. This policy should be read in conjunction with the trust's Human Resources Policies.

3. DEFINITION OF FLEXIBLE WORKING

The term 'flexible working' describes a type of working arrangement which gives some degree of flexibility on how long, where and when staff work. (CIPD, 2017)

Flexible working may involve several aspects that separately, or in combination, facilitate employees balancing the needs of the service with their life and responsibilities outside the workplace whilst maintaining or improving service provision and fulfilling their contractual obligations.

4. PURPOSE OF THE POLICY

The aim of this policy is to ensure that all Flexible Working Requests in the trust are handled effectively through a fair and equitable process.

5. THE POLICY

- 5.1 This policy may be applied to all employees who have 26 weeks or more continuous service with the trust under the provisions of the Flexible Working regulations 2014.
- 5.2 While flexibility is encouraged and will be supported no employee has an automatic entitlement to flexible working. This policy sets out a framework for introducing flexible working on a mutually agreed basis.
- 5.3 Employees can only make one request in any 12 month period.
- 5.4 Flexible working arrangements must be reciprocal and beneficial to both the individual and the trust and ensure that service delivery and quality standards including health and safety and legislative requirements are not compromised.

- 5.5 In line with the trust's policy on Equality and Diversity any flexible working arrangement must be fair and equitable to all employees across the trust. In some instances it may not be possible operationally for all employees in a department to work "flexibly" if the number of employees seeking flexible working exceeds that which is acceptable on service delivery grounds. If this situation arises, the manager concerned must consider a fair method of selection to decide which employees will be allowed to work flexibly. In doing so, they will need to take account of the requirements of the Flexible Working Regulations 2014.
- 5.6 In making any decision on whether flexible working should be applied the needs of the service should be fully considered.
- 5.7 Any request for flexible working, which is approved, may be subject to a trial period of six weeks, following which the revised working arrangement will be reviewed. This would particularly apply to working arrangements that have not existed previously. If it is agreed that the flexible arrangement can remain in place this should continue to be discussed on an annual basis during appraisal.

6. DUTIES AND RESPONSIBILITIES

6.1 Employees

Employees have a number of responsibilities concerning flexible working. These include:

- Ensure that any requests for flexible working are made with in line with the procedure for requesting and processing flexible working.
- To fully consider the potential impact on the team of the request, and to offer suggestions for limiting/mitigating this impact.
- To fully understand any special contractual terms relating to their arrangement.
- To cooperate with reviews of flexible working within the team, and to agree to alter working arrangements, if required, when the circumstances that prompted the request change.

6.2 Line Managers

Managers have a number of responsibilities concerning flexible working. These include:

- Raising awareness of all policies and procedures that relate to flexible working and ensuring that these are considered in the recruitment process and are covered as part of the Induction process. Managers should obtain further advice from the HR department if they are unsure on the application of these policies.
- If requests for flexible working fall outside those detailed in existing HR Policies managers must seek further advice from the HR Department on whether they can be approved.
- Ensure that employees know how to request flexible working.

- Ensure that all requests for flexible working are dealt with in line with the procedure for requesting and processing flexible working.
- Review effectiveness of the flexible working arrangements approved in their area

6.3 HR Department

The HR department will ensure that the policy is applied in a fair and consistent manner. They will:

- Provide advice to managers and staff on the application and interpretation of this policy.
- Support managers processing applications and dealing with appeals.
- Review this policy.

7. TYPES OF FLEXIBLE WORKING ARRANGEMENTS

7.1 Part-time working

This is working less than the full time hours for the post. This could either be working reduced daily hours or working 7.5 hours per day covering less than 5 days per week. The hours would therefore range from being very minimal to being virtually full time. The Part-time Workers (Prevention of less Favourable Treatment) Regulations 2000 ensure that part timers are not treated less favourably in their contractual terms and conditions than comparable full timers unless different treatment is justified on objective grounds.

7.2 Job Sharing

This usually applies where two employees share the duties and responsibilities of one full time post and share the pay, holiday and other benefits accordingly. Further details are set out in the trust's Job Sharing Guidance.

7.3 Term-time working

This is an arrangement where payment is proportioned equally throughout the year. The maximum number of weeks that the employee can have off is 12 weeks. Employees would normally be expected to take all their annual leave during school holidays. This arrangement will be most appropriate in any areas of the trust where activity reduces in the school holiday periods or where there is permanent availability of other staff to cover the school holiday periods. In considering a request for term-time working managers must consider the effect that this will have on the team. Also they should ensure that they have tangible evidence that they can cover the absent post.

7.4 Voluntary Reduced Working Hours (Temporary)

This is where the employee works reduced or variable hours for an agreed and defined period at a pro-rata reduced salary and with a guarantee to return to full time working when that period ends. The reason for taking this leave is normally to enable employees to manage personal or caring commitments on a short-term basis, e.g., up to 3-9 months.

7.5 Bank working

This is where an employee works on a bank arrangement and works ad-hoc hours/ shifts that suit their personal circumstances and the needs of the service. This would normally apply when other options for flexible working cannot be utilised. The trust runs a trust wide bank for Nurses, Care Assistants and Housekeepers, which is centrally managed. Other areas within the trust use bank staff, e.g., Physiotherapists, Radiographers, Admin and Clerical staff and manage these on a departmental basis.

7.6 Working from Home

This is where it is agreed that an employee may work some of their hours from home on an occasional basis. Employees who work from home must get approval from their manager and ensure that they comply with any local guidance on working from home".

Note: Working from Home is different to 'Home Based Working' where an employee's base is their place of residence.

7.7 Compressed Working Week

This means that an employee works longer hours each day and therefore may work fewer days per week or fortnight, e.g., 3 days of 12 hours or 9 days over 2 weeks. This system of work may be suitable in limited circumstances where constant presence is not required on a regular basis and where it could improve service delivery, e.g., improved access times/extended opening times. The trust may refuse to introduce a compressed working week where it considers the needs of the service will not benefit by this arrangement or that there may be additional costs to the service. Managers will need to ensure that any arrangement considered complies with the trust's Working Time Regulations Policy. Managers will also need to ensure that staff are fit to undertake the proposed hours this may mean that an occupational health assessment may be required, e.g., for staff operating machinery.

7.8 Flexible Retirement

The NHS Pension Scheme offers employees approaching retirement alternatives to consider which may help employees adjust to retirement. Please refer to the trust Retire and Return Policy.

7.9 Staggered Hours

This arrangement is a variation on flexi-time and allows employees to determine work patterns on a planned basis. Employees within a team can work slightly different start, finish and break times with the agreement of their manager. This can be on a permanent or temporary basis.

7.10 Flexibility in agreeing rosters/exchanging shifts

This is where employees agree rotas and/or shift changes among themselves and with the agreement of managers. The aim of this is to give employees more flexibility to plan their work around other commitments and responsibilities while fulfilling the needs of the service. There must be a clear set of rules in place, detailing a core number of shifts, to be covered before any arrangement is agreed. Managers will need to ensure that all shifts are covered.

7.11 Flexi-time scheme

This arrangement is most suitable for a department whose work pattern would normally be 9.00am-5.00pm. Flexi-time allows employees to vary their hours outside certain core times.

7.12 Annualised Hours

At present the trust does not have an arrangement in place for an annualised hour's scheme; this is a scheme where employees are contracted to work a certain number of hours per annum to coincide with actual levels of work.

8.0 FURTHER SUPPORT THAT THE TRUST PROVIDES TO HELP STAFF WORK ON A FLEXIBLE BASIS.

In addition to the methods detailed above the trust have a number of measures to help support employees in their home /work interface. These include:

- Pension Information: When considering any part time arrangement, employees are advised to consider the effect this may have on their pension. The Pension Officer may be contacted by dialling: 01276 526262.
- On-site Day Nurseries on the Frimley Park Site and the Wexham Park Site. For Woodlands Day Nursery at Frimley Park contact Nursery Manager on ext. 4607. For First Steps Day Nursery at Wexham Park, contact Nursery Manager on ext. 4365.
- Playscheme: The Woodlands Day Nursery (Frimley Park) runs this during all school holidays for children aged 4 to 12 years (inclusive). Contact Nursery Manager on ext. 4607.

9.0 PROCEDURE FOR REQUESTING AND PROCESSING FLEXIBLE WORKING

This section details how employees can request flexible working and how their requests will be processed.

9.1 Requesting Flexible Working

This policy may be applied to all employees who have 26 weeks or more service with the trust.

The trust will not approve requests for flexible working if the reason is to enable an employee to work elsewhere as well as the trust.

9.1.1 How should a request be made

Any request for flexible working, which will change an employee's terms and conditions, must be made in writing using the flexible working application form (Appendix 1). This should clearly detail the changes requested and the reason for the change. It should also indicate the date proposed for the change to come into effect. The application should be forwarded to the employee's manager see chart below. The employee must submit their application at least 6 weeks prior to the proposed changed.

For the purposes of receiving requests and approving requests the employee's manager will be one of the following:

Level of employee making request	Manager who will approve request
Employees below Ward Manager/Department Manager (of the level who reports into an Associate Director /Head of Service)	Ward Manager/ Department Manager
Ward Manager/Department Manager	Associate Director /Head of Service
Head of Service	Executive Director
Associate Director /Executive Director/Medical Director	Chief Executive
Doctors below Consultant grade	Consultant
Consultants	Clinical Director

The application must also state what effect the employee thinks the change will have on the trust/department/team and indicate how this change may be accommodated. The employee may hold an informal discussion with their manager before making a written application. If this discussion takes place the manager should not make any decision at this stage.

9.2. PROCESSING REQUESTS FOR FLEXIBLE WORKING

9.2.1 How an application is processed

The employee's manager as detailed above will arrange to meet the employee within a reasonable timeframe, (usually 28 calendar days) of receiving the written application. If appropriate, the employee's immediate manager may also be present at the meeting. A Trade Union representative or a work colleague may accompany the employee. The manager may request advice or support from their HR Business Partner. Each request will be considered on its merits and the current circumstances.

The manager will notify the employee of the outcome of their decision in writing within a reasonable timeframe (usually 14 calendar days) of the meeting.

9.2.2. If the request is agreed

The manager must ensure that a record of the application and outcome is given to the employee. The manager should re-calculate the annual leave, if applicable. A copy of the application form should be forwarded to the HR Business Partner for the employee's personal file and a variation form should be submitted to ensure that any appropriate changes to the terms and conditions of employment are actioned. If the agreed request is subject to a trial period, the manager must review the revised arrangements 6 weeks after these have been implemented. The outcome of the review may be that the request may be modified. If this is the case the modification should be recorded in writing by the manager and a copy given to the employee and the

HR Department. Flexible working arrangements should continue to be reviewed as part of the annual appraisal process.

9.2.3. If the request is refused

Managers must have a sound business/ service reason for rejecting any request.

The reasons for the refusal must be detailed in writing, under the provisions of the Work and Families Act 2006 (amended 6 April 2014), a flexible working request can only be rejected on a limited number of set grounds, namely:

- Planned structural changes
- The burden of additional costs
- A detrimental impact on quality
- The inability to recruit additional staff
- A detrimental impact on performance
- The inability to reorganise work among existing staff
- A detrimental effect on the ability to meet customer demand
- Lack of work during the periods the employee proposes to work.

A copy of the application form should be forwarded to the HR Business Partner for the employee's personal file. In some circumstances it could be agreed to defer a decision until a later date. In such cases managers should give the employee an explanation for the deferment.

9.2.4 Appeal Process

If an employee's application is refused, they have right of appeal. Appeals must be made in writing to the appropriate Associate Director/Head of Service (or Assistant Director of HR if the manager is an Associate Director /Head of Service) within 5 working days of receipt of the written notice of the decision, and must state the grounds on which the Appeal is being made. The manager should copy the letter of appeal to the HR Business Partner. The AD/HoS/AD of HR will arrange an appeal hearing.

Appeal hearings should take place as soon as is reasonably possible. The employee should normally be given at least 5 working days' notice of the date of the hearing.

The Manager responsible for the decision to refuse the application must not hear the appeal. The manager hearing the appeal must be a level above the manager who made the decision (and should be at least a "3rd in line" level manager, e.g., Head of Nursing) and should hear it with a member of the HR Department.

The employee may not make another further application for 12 months.

9.2.5 Reasons why an application may not be processed.

An application for flexible working will be considered to have been withdrawn if the following applies:

- the employee withdraws the application orally or in writing, or
- the employee has failed to attend arranged meetings to discuss their application more than once
- the employee has unreasonably refused to provide the employer with information required to assess whether the contract variation should be agreed to.

In these circumstances the manager must notify the employee, in writing, that the application is now regarded as withdrawn.

10. RAISING AWARENESS

10.1 Information contained within this policy will be included on the trust Intranet for all staff to access.

10.2 The Human Resources department will provide advice as required in relation to this policy.

11. MONITORING COMPLIANCE WITH POLICY AND PROCEDURE

11.1 This document will be reviewed every five years (or sooner where required), taking into account any legislative changes.

Responsibility for reviewing this document will lie with the Human Resources department, with the Staff Council as the responsible committee.

12. REFERENCES

- NHS Terms and Conditions of Service
- Equality Act 2010/The Children and Families Bill 2006 (amended 2014)
- CIPD (May 2017) *Flexible Working Factsheet*
- ACAS (June, 2014) *Handling in a reasonable manner requests to work flexibly*

13. EQUALITY IMPACT ANALYSIS

This policy has been analysed for impact on equality and does not have an adverse impact on any protected characteristic.

14. APPENDICES

Appendix 1 Flexible Working application form
Appendix 2 Job Share Guidance

Appendix 1

FLEXIBLE WORKING APPLICATION FORM

SECTION 1 (completed by employee)

Name: Personal Number

Ward/Dept: Job Title:

Current working hours.....per week *Date Joined the trust:*

Detail how these hours are worked:

	Example	<u>Sun</u>	Mon	Tue	Wed	Thu	Fri	Sat
Start	9.00							
Break	1 – 1.30							
Finish	5.00							

PROPOSED NEW WORKING ARRANGEMENTS:

Hours proposed per week: Proposed effective date:

Detail how you would proposed these hours are worked:

	Example	<u>Sun</u>	Mon	Tue	Wed	Thu	Fri	Sat
Start	9.00							
Break	1 – 1.30							
Finish	5.00							

Reason for application:

.....
.....
.....
.....

Effect this proposed arrangement will have on your team/department and how you feel this change may be accommodated:

.....
.....
.....
.....

Employee's Signature: **Date:**

Please now pass this form to your line manager who will arrange a date to meet with you within 28 calendar days of receipt. You may bring a TU representative or work colleague to the meeting

SECTION 2 (completed by Manager)

Date application received:

Date meeting to discuss request held on:

Names of who attended meeting:

Brief details of discussion:

(please attach an additional sheet if necessary)

Flexible working request – ACCEPTED / REJECTED (please delete as appropriate)

If rejected, please give reason:

If accepted, please complete Section 3.

SECTION 3 (completed by Manager)**PERSONAL DETAILS**

Surname: _____

Grade: _____

Forenames: _____

Department: _____

Please give details of agreed new arrangements:

Hours worked (per week):

	Example	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Start	9.00							
Break	1 – 1.30							
Finish	5.00							

Effective Date:

(Please attach a Variation form if total working hours has changed)

Review Date (if applicable) :

Signed:**(Manager)****Name:****Date:****Signed:****(Employee)****Name:****Date:**

Appendix 2

Job Share Guidance

1. Introduction

“Job Sharing” is an arrangement where two or more people share the role and responsibilities of the job. The trust promotes job sharing in order to support equality of opportunity in employment, flexible working and recruitment and retention of staff.

There are two main stages when it will be necessary to consider the suitability of a post for job sharing:

- When a job becomes vacant
- When existing employees request to share their post through a Flexible Working Request

2. Job Share Arrangement/Part-Time Working

A job share arrangement will be suitable for posts which must be covered for full-time hours (e.g., Monday – Friday, 9.00-5.00) **and** where a handover of work would be required between the job share partners (i.e., the job sharers share the work, rather than split the work).

If a post could be split with no cross cover or hand over required, and it is not important to the trust **when** in the week the hours are worked, as long as the work is covered, then this is not a “job share” and part-time work can be considered.

3. Eligibility

All jobs are considered suitable and available for job sharing unless it can be positively demonstrated otherwise.

All employees are entitled to request a job share arrangement under the trust’s Flexible Working Policy.

4. Existing Post Holders

It is anticipated that the most common type of job share application will be through the trust’s Flexible Working arrangements, from current employees who want to enter a job share arrangement. Applicants should apply to their manager using the Application Form within the Flexible Working Policy. Managers will give full consideration to each application, taking into consideration the needs of the service.

Job Share applications from single applicants, if approved, should be granted “subject to recruitment of a job share partner” and the applicant should continue working their current hours until a partner is in place. The other half of the job share should be advertised in the normal way. If no suitable partner is found within two recruitment attempts (or within a time limit agreed at the outset between the manager and the potential job sharer, to reflect the needs of the service) the application should be rejected. Under the terms of the Flexible Working Policy if an application for flexible working is rejected an employee may not make a further application for twelve months.

It is also possible for two employees holding the same type of job to request a job share arrangement whereby they both share one of the jobs involved.

Where specific duties will only ever be undertaken by one half of the job share (for example, a specific meeting is only ever held on a Monday, therefore the second half of the job share team will never have to take and transcribe minutes) it must be ensured that both parts of the job are of an equal size and banding.

If the jobs are not deemed to be of an equal size, then it is likely that this is two part time posts rather than a job share agreement.

5. Recruitment

Normal recruitment procedures in accordance with the trust's Recruitment and Selection Policy will apply to job share applicants. Applications from potential job share teams will be considered entirely on their merits alongside those from "full-time" candidates. It is not necessary for those applying for appointment on a job share basis to do so in conjunction with a job share partner.

5.1 Shortlisting and Interview Arrangements

Where two applicants have applied to share the post as a "team", both candidates should be matched against the person specification as suitable for the complete post although it is possible that together they have compensating strengths and weaknesses.

If, on shortlisting, one applicant is found unsuitable, then the other applicant should be considered separately.

If, at the shortlisting stage, one half of a joint application is rejected, the successful half should be given the option of continuing to the interview stage to be considered either alongside any unlinked shortlisted job share applicants or, if they indicate their willingness to do so, to work full-time. Similarly if one half of a joint application proves unsuccessful at the interview stage, that individual should be rejected for that particular post.

It is recommended that applicants be interviewed individually to assess suitability and then interviewed together, to consider the feasibility of a job share. When determining the suitability of a job share partnership, the selection panel must be satisfied that the proposed pattern of working fully meets the demands of the post.

If the trust is recruiting for only one job share partner, the existing post holder should be given the opportunity to discuss the duties of the job with the shortlisted candidates, and should be involved in the induction of the new employee, once recruited. The existing post holder should not form part of the interview panel.

6. Working Arrangements

6.1 Patterns of Work

The patterns of work that job sharers may normally be expected to use are:

- Split day – One partner works in the mornings and the other in the afternoons
- Split week – each sharer works two and a half days each, either in a block (e.g. one part works Monday to Wednesday, the other Wednesday afternoon to Friday), or by working alternative days.
- Alternate Weeks – one partner works one week, while the other works the next, or they alternate working 2 days one week and 3 days the next week.
- Unequal split of hours – sometimes it is convenient for sharers to split the hours on an unequal basis – e.g. one sharer always works 2 days a week and the other works 3 days.

Other patterns of work are acceptable if mutually agreed by the manager and employee. The factors that will influence the choice will be the nature of the job share arrangement, the need for communication between the job sharers, whether any “overlap” time is necessary, the degree of repetition of the work and the circumstances of the employees concerned and whether the remaining hours make up a viable post.

Good communication between partners is essential for job sharing to be successful, and it will be necessary for methods of communication to be agreed at the outset, and reviewed regularly. Handover need not be face to face, as long as an effective method of handover is established.

The total hours worked should not normally exceed those of the established full-time job.

6.2 Replacing Job Sharers

Although job sharers have separate contracts, one sharer leaving employment can affect their partner’s employment if not replaced. If one sharer does leave, the remaining sharer should be offered the opportunity of taking up the vacant hours in the first instance. If this is not acceptable, attempts should be made to secure another sharer as detailed in section 5 (Recruitment).

The remaining sharer may also be offered extra hours on a temporary or permanent basis at the discretion of the manager, but there is no contractual obligation for the individual to accept them.

If a replacement job share partner is not appointment after 2 recruitment attempts (or within a time limit agreed at the outset between the manager and the potential job sharer, to reflect the needs of the service), the post may revert to its original hours if there is a service need and efforts should be made to redeploy the other job sharer to an alternative post with the trust.

If reasonable efforts to secure suitable alternative employment fail for the remaining job sharer, the trust retains the right to terminate their contract of employment, although great efforts will be taken to avoid this.

7. Contractual Arrangements and Terms and Conditions of Employment

Each party to the job share will have a separate employment contract that will indicate that it is part of a job share arrangement. Individual entitlements will be pro-rated as appropriate, and as pertinent to the individual and their length of service. (These include pay, annual leave, sick pay and notice periods.)

7.1 Promotion

Job share partners are able to apply either individually or jointly for promotion on equal terms with full-time employees.

7.2 Appraisals

The normal appraisal process will be applied to individual job share partners so that they are assessed for their individual performance, as with other staff members. There will also need to be annual reviews of the job share itself so that both parties share an understanding of the requirements of the post and the job share arrangements.