

Flexible Working Procedure

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1. Introduction

This procedure explains:

- How to apply for flexible working;
- What you are entitled to.

1 Why we need this procedure

1.1 Purpose

Following this procedure will help the Trust to:-

- Work within the principals of flexible working
- Ensure staff understand their statutory rights in relation to requesting flexible working
- Ensure staff are aware of what they are entitled to in relation to flexible working;
- Ensure staff are aware of the different types of flexible working;
- Ensure staff know how to apply for flexible working;
- Ensure flexible working requests are handled in a reasonable manner
- Ensure flexible working requests decisions are fair and consistent;



Medical staff should refer to their own terms and conditions wherever the procedure refers to Agenda for Change.

1.2 Principles

Flexible working describes a type of working arrangement which gives some degree of flexibility on how long, where and when employees work. The flexibility can be in terms of working time, working location or the pattern of working. **Appendix 1** lists common examples, although this is not an exhaustive list.

To help employees manage their work life balance in a proactive way, the Trust appreciates and acknowledges the benefits that flexible working can bring to both our employees and our patients.

For a flexible arrangement to work and to be agreed it must suit both the Trust and your circumstances and clearly different jobs lend themselves to different flexible working opportunities. In considering flexible working requests, managers will make an objective assessment of the case, taking into account operational requirements, current working patterns in the team, appropriate team cover arrangements and patient/service user service. All working arrangements must comply with working time legislation

2 Related documents



This procedure describes what you need to do to implement the Flexible working section of the Human Resources During Employment Policy

Key supporting documents include:

- ✓ Employee Guidance on Flexible Working Requests
- ✓ Manager Guidance on Flexible Working Requests
- ✓ ACAS Guidance on flexible working
- ✓ Working Time Regulations 1998
- ✓ Agenda for Change Handbook
- ✓

3 Who Can Apply



Employees DO NOT have an automatic right to work flexibly as this depends on the need to meet service delivery.

- All employees have the statutory right to **request** to work flexibly provided they have worked for the Trust continuously for 26 weeks at the date the application is made and that they have not made a flexible working request within the previous 12 months
- Applications from employees with less than 26 weeks continuous service will also be considered (including any agency workers whose assignment has been for 12 weeks or more) – these will be treated as non-statutory requests.

4 Making a Request

To make a request for flexible working, you must:

- Read the Employee Guidance on flexible working requests Appendix 4
- Discuss the request informally with your line manager in the first instance
- After having met with your line manager, make your request in writing using the 'Flexible Working Application Form' **Appendix 2**, state the date the request is made, the change to working conditions you are seeking, and the date you would like the change to take effect.
- State how the proposed arrangement will satisfy both your needs and those of the Trust, this must provide an explanation of what effect, if any, you think the proposed change would have on the Trust, your role and team, and how you feel any such effect might be dealt with
- State whether you have made a previous application for flexible work and the date of that application.
- State if you are making your request in relation to the Equality Act 2010.
- If you fail to provide all the required information as set out in the application form, your request will not be considered

- On completion, the application form should be given to your line manager who will consult with others as appropriate. An application will be considered to have been made on the day the request is received by your line manager
- Your line manager should acknowledge receipt of the request using the standard acknowledgement letter and inform their HR representative of the flexible working request as soon as possible



Be aware that any request that is made and accepted will be a permanent change to your contractual terms and conditions (unless otherwise agreed). Where there is a request agreed to reduce the working hours, your salary and annual leave will be adjusted accordingly. You have no right to revert back to the previous working pattern.

Note: Your line manager may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances your line manager will need to consult with you accordingly, in line with the organisational change procedure.

For further guidance, a flowchart can be found in **Appendix 3**.



Step-down into a temporary lower banded post for up to a 3 month period.

If you would like to request a temporary step down into a lower banded post, as a way of supporting you to manage either personal or health related circumstances, a request can be made in line with the Flexible Working procedure. Professionally registered staff must seek advice from their Professional Body/Lead and the HR Operational Department.

If this can be accommodated the agreement will be for up to a 3 month period, a review of the circumstances should be done no later than 8 weeks into the agreement.

If the reasons for the request are health related, Occupational Health advice should be sought.

Any step down into a lower banded post, will not attract any protection of salary. It is advised that you seek further advice on any pension implications.

5 Considering a Request

In considering a request for flexible working, you and your line manager must:

- Your line manager must:
 - Read the Managers Guidance on flexible working requests Appendix 5
 - Acknowledge receipt of the flexible working request using the standard acknowledgement letter – see Flexible Working Pack for template letter [link](#)
 - Inform the relevant HR representative of the request as soon as possible
 - Access the Flexible Working Pack for copies of template letters [link](#)
 - Ensure that the whole process including time for any appeal is completed within **3 months**. Should this not be possible your line manager will discuss the delay and outline a reasonable time frame
- If you fail to provide all the required information as set out in the application form, your line

manager should inform you of the omission(s) and ask for the application to be fully completed and resubmitted. The application cannot be considered until the application is complete.

- Your line manager should meet to discuss the content of your application, as a guide within **14 (Calendar) days** of receipt of the application or as soon as possible. For a copy of invite to meeting template letter refer to the Flexible Working Pack [link](#)
- You can, if you wish, be accompanied at the meeting by a staff side representative or companion. The line manager may be accompanied by an HR representative.
- If the staff side representative or companion are unable to attend the meeting, the employee i.e. you, must seek to re-arrange the meeting for a date within **7 days** of the originally proposed date, ensuring that the time is convenient to all parties, or consider an alternative representative
- The meeting with both you and your line manager is the opportunity to explore your request and to understand how flexible you might possibly be. You and your line manager will discuss the desired working arrangement in depth and consider how it might be accommodated; the meeting also provides an opportunity to establish if an alternative working arrangement may be appropriate.
- It may also be in the interests of both parties to agree that the new working arrangement will take place for an agreed trial period in order to see how it would suit you both
- Your line manager will then need to consider the request carefully looking at the benefits of the requested changes for the employee and the trust, weighing these against any adverse trust/service impact of implementing the changes
- There may be occasions whereby your manager is in a position to agree your proposed request without the requirement to meet, on these occasions you will be notified of the outcome in writing



Requests should be considered in the order they are received. Having considered and approved the first request, as line manager, you should remember that the business context has now changed and can be taken into account when considering the second request against the business reasons.



Should your line manager receive more than one request at the same time, your line manager will be required to consider each case on its merits looking at the business case and the possible impact of refusing a request.

There may be circumstances where another member of staff's request is approved and yours may not have been. This may be because their request to change their working arrangements may be different to yours and could be accommodated. As a result of a request being approved this may result in a change of circumstances for the Service that may then impact on other requests received.



If there are concerns about whether the requested changes are workable, a trial period of three months may be agreed initially. If this is agreed, no decision will be made until the trial period has concluded. In exceptional circumstances a further maximum 3 month extension may be granted at the discretion of the line manager.

6 Reaching a decision

6.1 When a specific service/team is unable to accommodate a request

- If your line manager is unable to accommodate your request within their immediate service, your line manager will establish if you would like your application to be considered at the next level i.e. the Head of Service,
 - if yes, your line manager will forward your application to the Head of Service within, as a guide, **4** days
 - if your answer is no, see Section 8
- The Head of Service will:
 - Consider the full application presented by your line manager in the context of the specialty service within the respective locality, service or department.
 - Arrange to share the request with Locality Managers, Service Managers or Deputy Head of Service , who will be required to respond to the request within, as a guide, **10** days using the template memo in the Flexible Working Pack [link](#)
- The Locality Managers, Service Managers or Deputy Head of Service will:
 - Consider the application in the context of their respective services, a response to the Head of Service is required within 10 days. Locality Managers, Service Managers or Deputy Head of Service will respond using the template memo in the Flexible Working Pack [link](#)
- The Head of Service on receipt of the information provided by the Locality Managers, Service Managers or Deputy Head of Service will reach a decision within, as a guide, **4** days as to whether the request can be accommodated. Your line manager will be informed of the decision
- Your line manager will notify you in writing of the decision.

6.2 When a request is granted

If your line manager can agree to the request

Your line manager will:

- Notify you of the decision in writing 'Flexible Working Request Outcome' by completing Section 6 (A) of Appendix 2, this should be done within, as a guide, 7 days following the date of the meeting
- The notification must include:
 - The date the notification letter has been sent
 - A description of the new working arrangement
 - State the date from which the new working arrangement is to take effect
 - Where a trial period or time limited period has been agreed this should be detailed in the written notice

The flexible working request will be made on a permanent basis, unless this is agreed (normally on the request of the individual) for a temporary period, this will be up to a maximum of 12 months. If the temporary period then extends beyond 12 months, the arrangement then becomes permanent.

Note: Your line manager may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances your line manager will need to consult with you accordingly, in line with the organisational change procedure.



If an individual's circumstances change, following the agreement of a flexible working request, discussions should be held with you and your line manager, this may result in a further flexible working request being made (out with the statutory right).

7 When can a flexible working request not be granted?

- Your line manager/head of service may refuse an application to work flexibly because they consider that one or more of the following grounds may apply:
 - Burden of additional costs
 - Detrimental effect on ability to provide cover / service
 - Inability to re-organise work amongst other staff
 - Inability to recruit additional staff
 - Detrimental impact on quality or performance
 - Insufficiency of work during the period the employee proposes to work
 - Planned structural change
 - Other grounds that the Secretary of State may specify by regulations.
- A manager who refuses a request to work flexibly will notify you in writing using the 'Flexible Working Request Outcome' by Completing Section 6(B) Appendix 2 , clearly stating the following:
 - The date the notification letter has been sent
 - All the business reasons for the refusal and why the grounds apply.
 - Details of your right to appeal
- It may be appropriate to consider other procedures such as Special Leave if a short term resolution is required.
- **Note:** Your line manager may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances your line manager will need to consult with you accordingly, in line with the organisational change procedure.
- For further guidance, line managers should refer to the Manager's guidance on Flexible Working Requests

8 Right of appeal against a decision -

- If you feel that your request for flexible working has been unfairly refused you should discuss the issue with your line manager in the first instance
- If you subsequently, wish to make a formal appeal, this must be done in writing, within, as a guide 7 days after receiving the outcome – see template in Flexible Working Pack – Flexible Working Outcome document [link](#)
- Your appeal should clearly state
 - Why you feel that the original application was not handled 'reasonably' and/or you have new information that was not available when the original decision was made.
- You should send your appeal to the named person outlined in your 'Flexible Working

Outcome document, who will arrange for an appropriate person to hear the appeal.

- An appeal hearing will be held within, as a guide, **14** days after the notice of the appeal was received.
- You can, if you wish, be accompanied at the meeting by a staff side representative or companion. The line manager may be accompanied by an HR representative.
- The outcome of the appeal will be sent in writing within, as a guide, **14** days of the meeting using the Flexible Working Outcome document
- There is no further right to appeal



Grievances/concerns raised about the process will be addressed at the appeal hearing and not through the Grievance process.



If an individual appeals against the decision, any appeal must be heard by either an independent person of the same grade, but in a different service i.e. Head of Service or a more senior manager than who rejected the flexible working request i.e. Director/Deputy Director.

9 Extension of time limits to trial period

- In exceptional circumstances it may be necessary to extend the trial period e.g. absence, annual leave etc. This should be discussed with you, a revised date agreed. This should be confirmed in writing, specifying the extension period and the date on which the extension is to end. An extension can only be approved for a further 3 months. See Flexible Working Pack for template letter [link](#)

10 Withdrawal of applications

- You can withdraw your request in writing. A verbal withdrawal is not sufficient
- Should you fail to attend two pre-arranged meetings to discuss the request (including an appeal), without sufficient reason, the application will be deemed to be withdrawn
- If you unreasonably refuse to provide your line manager with information pertinent to the request, the Trust can treat the application as withdrawn

11 Monitoring of applications

- The trust will monitor the flexible working request applications for the purposes of ensuring the procedure is equitable and fair, this will include:
 - Monitoring of applications in line with the protected characteristics will be undertaken to establish equity of access to the procedure

- monitor the number of applications made across the trust, the number of applications approved and refused

12 Useful contacts

The following contacts may provide useful additional information:

NHS pensions: www.nhsbsa.nhs.uk/pensions

Working Time Regulations 1998: <http://www.acas.org.uk/index.aspx?articleid=1373>

13 Definitions

Term	Definition
Part Time Working	Any contracted hours that are less than the full time equivalent.
Job Share	An arrangement where two employees share the duties and responsibilities of one full time post by mutual agreement between themselves and their manager. Pay and benefits will be divided between them on a pro-rata basis.
Flexi Time	Allows employees to vary their actual working hours outside of core times e.g. enabling employees to vary their start and finish times
Time Owing	Any time spent working over the normal hours for that period of duty.
Compressed Hours	Allows employees to work longer days e.g. fitting 37.5 hours per week into 4 working days instead of 5 working days.
Annualised Hours	A number of contracted hours are agreed over a yearly period, staff receive a consistent level of pay each week although their hours may fluctuate during the period.
Flexible Rostering	Team based rostering means that staff have more input into the rostering and it is not only the manager who decides the roster. Staffing levels and skill mix are pre agreed and staff have more flexibility to schedule their work accordingly.
Term Time Working	Usually considered where school holiday breaks coincide with a dip in activity levels for the service. Staff can work during term time only and their salary is spread across 12 equal payments throughout the year, taking into account the reduced weeks worked throughout the year.
Option for staff to Increase Annual Leave	Gives staff who would like to purchase an additional 5 to 10 days annual leave entitlement (pro rata) the option to do so in a way that smoothes out financial consequences of that extra annual leave.
Retire and Return	Staff who have reached a minimum pension age can request to retire – claim their pension benefits and return to NHS employment.

	For further information and other Pension options available please refer to Retirement and Long Service Recognition Procedure
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14 Document control

Date of approval:	March 2020	
Next review date:	11 April 2022	
This document replaces:	Flexible Working Procedure (HR-0045-v4.1)	
Lead:	Name	Title
	Angela Collins	Deputy Director HR and OD
Members of working party:	Name	Title
	Nicola Rutherford	Senior HR Team Manager
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	Gordon Lees	Staffside Representative RCN
	Christine McCann	Associate Director of N&G
	Tim Grace	Staffside Representative RCN
	Neil McAdam	Service Manager
	Elaine Corbyn/Bryan O'Leary	Medical Staffing/Development
Kath Dowson	Staffside Representative Unison	
David Graham	Staffside Representative Unite	
This document was approved by:	Name of committee/group	Date
	Policy Working Group	14/02/2020
	JCC	03 March 2020
This document was ratified by:	Name of committee/group	Date
	n/a	
An equality analysis was completed on this document on:	March 2020	

Change record

Version	Date	Amendment details	Status
v4	Oct 18	Revised procedure. Addition: If the request cannot be accommodated in substantive area, the	Withdrawn

		request can be considered in the wider service Revised Application Form. Addition: Guidance notes for managers and staff. link to Flexible Working Pack (template letters)	
v4.1	10 Sept 2019	Updated appendix 2 – to include advice to managers to return the signed form to the HR Operational Team.	Withdrawn
v4.2	12 March 2020	Addition of option to request a temporary Step down into lower banded post	Published
V4.2	May 2020	Review date extended to 11/04/2022	Published

Appendix 1 – TYPES OF FLEXIBLE WORKING

What are the different types of flexible working?

Listed below are the types of flexible working arrangement available within the Trust:

- Part Time Working
- Job Sharing
- Flexi Time
- Time Owing / Overtime
- Compressed Hours
- Annualised Hours Contracts
- Flexible Rostering
- Term Time Working
- Option of Buying Additional Annual Leave – **Please refer to the Option for Staff to Increase Annual Leave Allowance Procedure for further information**
- Career Break scheme – **Please refer to the Special Leave Procedure for further information on this scheme**
- Retire and Return to Work – Please refer to the Retirement and Long Service Recognition Procedure for further information.

Definitions of each type of flexible working can be found at [section 13 Definitions](#).

Part Time Working

This can be any contracted hours that are less than full time and can be varied from day to day or week to week depending on the local agreement made.



Part Time Working Regulations 2000 need to be considered and adhered to so that part time staff enjoy the same access to opportunities within employment as their full time colleagues.

Job Sharing

There are several ways of starting a job share scheme. Different procedures apply to the various situations described in the table below:

Situation	Procedure
You request to job share Or A single applicant for a full time advertised post wishes to job share	Your line manager will agree with the you the terms and conditions of the scheme and then advertise the vacant part of the post. You are expected to continue to work the total hours of the post until a job share partner is recruited. If reasonable time has been

	taken and it has not been possible to recruit a suitable partner, then your line manager may reconsider the suitability of the post as a job share.
Two existing employees request to job share Or Two people apply together and are appointed to a full time advertised post	The manager will meet with the employees and agree the terms and conditions of the scheme.

Terms and Conditions of a Job Share

The success of job sharing depends on the flexibility and joint commitment/responsibility of the sharers. The following areas need to be considered and agreed in writing by all parties before the start of job sharing.

Terms and Conditions	Information
Contract of Employment	<ul style="list-style-type: none"> Your contract of employment will clearly state "Job Share". A new job description will be issued, clearly outlining which duties are shared/overlap and which are your personal responsibility. A reminder that both members of staff are liable to carry out full range of duties and responsibilities and both are individually accountable.
Working Arrangements – hours	<ul style="list-style-type: none"> Your line manager must agree with the partners how the hours will be split between the two sharers. This can be varied with the agreement of your line manager and can include split days/weeks or alternate weeks. The total hours of the post must equate to the full time hours of the post, unless agreed otherwise by your line manager.
Overtime / Rates of Pay	<ul style="list-style-type: none"> Any overtime undertaken by either partner will be at plain time rates, i.e. one covers for the others absence they will be paid at plain time rates.
Absence of one of the partners	<ul style="list-style-type: none"> Sometimes, your line manager may require the partners to provide cover in the absence of the other. If so, it will be discussed at the time of the appointment and, where possible, reflected in the conditions attached to the post.
Car /Telephone Expenses	<ul style="list-style-type: none"> If applicable both sharers will be paid an allowance for telephone rental and allowances for car expenses. The rate and if a lease car is appropriate are subject to the current regulations at the time and are dependent on miles travelled / usage and will be assessed on an individual basis for each of the partners.
Promotion and Transfer for Full Time Work	<ul style="list-style-type: none"> Job sharers may apply for promotion on equal terms with full time employees, either individually or jointly, except where the

	post is deemed not suitable for job sharing.
Communication	<ul style="list-style-type: none"> • Job sharers are responsible for maintaining communication for the effective running of the post. Sometimes overlap time may be needed.
Termination of Arrangements	<ul style="list-style-type: none"> • Should one of the job sharers wish to resign or the job share arrangement is terminated, the other job sharer should be offered the post on a full time basis. If they do not wish to work the full time hours of the post, the post will be advertised as a Job Share. A reasonable attempt to recruit a sharer will be made; e.g. up to 2 advertisements within a 6 month period. • If advertising for the Job Share is not successful, the remaining job sharer will be informed that the post will re-advertised on a full time basis and every effort should be made to transfer the individual to an alternative part time post. • Any termination of a Job Share agreement must be agreed with the HR department before action is taken. Your line manager should clearly demonstrate why the job share arrangement has failed.

Flexi-Time

The flexi-time scheme may be available to full and part time staff. Flexi-time does not apply to staff who are required to work in a 24 hour rostered system or where fixed hours are required.

Key principles

- You must cooperate to ensure that adequate and acceptable staffing levels are maintained and that there is no detriment to service needs as a result of your request to take flexi-time.
- Adequate notice must be given for all flexi-time requests. You must seek your line manager's permission for each occasion. This will not be unreasonably withheld.
- Your line manager can request you to work additional hours to meet service needs; reasonable notice will be given.
- Your line manager is responsible for monitoring working hours and flexi-time to ensure this does not reach an unacceptable level.
- Travel time over and above that normally involved in the home to office will be included as worked time.
- You should use your flexi-time for non-emergency GP, dental and similar appointments during "non-core" times. Time off for emergency dental, medical and similar appointments (including hospital appointments) may be taken during core time with the agreement of your line manager.
- Core hours should be agreed by the Directorate/appropriate Service Manager and the team must not disrupt the functioning of the department or other departments.



Both you and your line manager must ensure that accurate recording of hours takes place and that there is an effective monitoring system in place to undertake this. Signing "in" and "out" is your responsibility and anyone found to be doing this on

behalf of another staff member will be subject to disciplinary action.

Flexi-time guidance can be found within **Appendix 6**

Time Owing

The time owing scheme is available to full and part time staff. Time owing can apply to those staff working in a service which requires working in a 24 hours service provision or in a system where flexi-time is not appropriate, but staff may work beyond their normal fixed hours in an emergency or to meet the needs of the service.

Key principles

- You must cooperate to ensure that adequate and acceptable staffing levels are maintained and that there is no detriment to service needs as a result of your request to take time owing
- Adequate notice must be given for all time owing requests. You must seek you line manager's permission for each occasion. This will not be unreasonably withheld.
- Your line manager can request staff to work additional hours to meet service needs; reasonable notice will be given.
- Your line manager is responsible for monitoring working hours and time owing to ensure this does not reach an unacceptable level.
- You are expected to fulfill the duties required of them within the hours permitted by the flexible working arrangements.
- Travel time over and above that normally involved in the home to office will be included as worked time.
- You should use your time owing for non-emergency GP, dental and similar appointments during "non-core" times. Time off for emergency dental, medical and similar appointments (including hospital appointments) may be taken during core time with the agreement of management.
- Core hours should be agreed by the Directorate/appropriate Service Manager and the team must not disrupt the functioning of the department or other departments.

A time owing sheet can be found in Appendix 7

Time Owing and Overtime

Key Principles:

- If you are unable to take time off in lieu for operational reasons within 3 months, you must be paid at overtime rates in accordance with the Agenda for Change Handbook.
- Your line manager should ensure that they consider and ensure compliance with the Working Time Regulations 1998 when asking you to undertake overtime.
- If you work over 48 hours per week you should complete an "Individual Opt Out Form" ([hyperlink](#))
- You should not be asked to work overtime when on annual leave unless there are exceptional circumstances. Should this exceptional situation arise the hours would not be paid at overtime and the annual leave would be substituted for a normal working day and the annual leave would be available to take at a later date.

- If you terminate your employment you should ensure that there are no hours owing/owed by the last day of work.
- Overtime only applies to bands 1 – 7



Time owing and overtime is automatically recorded on Health Roster

Compressed Hours

Key Principles:

Compressed hours allows you to work longer days e.g. 9 days per fortnight rather than 10 days per fortnight. The day off can be agreed as a fixed day or as a flexible day depending on the needs of the service.

Annualised Hours

Annualised hours schemes aim to achieve a better match between supply and demand for services by distributing hours on an annual basis to coincide with the needs of the service. These schemes are particularly useful in services which have a predictable fluctuation in activity levels over different periods.

Flexible Rostering

Team based rostering means that you have more input into the rostering and it is not only your line manager who will be involved in determining the roster. Your line manager however will need to approve the roster. Staffing levels and skill mix are pre agreed and you have more flexibility to schedule their work accordingly.

The Trust currently uses Health Roster and the associated Staff Rostering Policy for some staff but for staff who do not utilise Health Roster, flexible rostering can also apply e.g. non clinical staff or community staff.

A number of factors need to be considered before introducing flexible rostering schemes and advice should be sought from the HR Department and Nursing Directorate in the first instance.



Refer to the Trust [Staff Rostering Policy](#) before implementing any flexible rostering system.

Term Time Working

Term time working may be considered in services where school holiday breaks coincide with a dip in activity levels for the service. You may be able to work during term time only and your salary is spread across 12 equal payments throughout the year, taking into account the reduced weeks worked throughout the year.



Where term-time working is used in an area, careful consideration would need to be given where services are provided all year round.



The [Term Time Calculator](#) will provide guidance for full time (FT) and part time (PT) staff on a term time only (TTO) contract, this guidance is based on a full financial year.



It is important to note that where a term time employee commences or terminates employment or a term time contract, during the course of the financial year April to March a recalculation will be undertaken to ensure correct payment is made. Any over/under payment is recovered/paid. Please contact the Trust Payroll Department for further guidance.

Option for staff to Buy Additional Annual Leave

You can make a formal request to buy **one or two** weeks' additional annual leave, spreading the cost of the annual leave over a whole year.

- This will be made in writing to the Head of the Department
- You will require permission from the Head of Department to take the annual leave at a mutual convenient time in accordance with the requirements of the service
- This will then need to be approved by the Head of Service and Director of Operations
- For Corporate Directorates, this will be the Executive Management Team.
- For Medical Staff, this will be the Associate Clinical Director and Clinical Director.



Refer to the Option for Staff to Increase Annual Leave Allowance Procedure for further information

Appendix 2 – APPLICATION FORM

FLEXIBLE WORKING APPLICATION FORM

Note: - This form should be used to make a flexible working application.

Before completing this form, you may find it helpful to consider the options available to you and you should discuss these informally with your Manager. Please refer to the “Employee Guidance on Flexible Working” to help you complete this application.

It will help your line manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all questions, as otherwise your application will not be valid. When completing the form, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

As it may take up to 3 months for a request to be considered and a decision made, you should ensure that your application is submitted well in advance of the date you wish the request to take effect from.

The completed form should be passed to your line manager (you should also keep a copy). Your line manager will then arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions, unless otherwise agreed.

SECTION 1 - PERSONAL DETAILS

NAME	
JOB TITLE	
BASE	
DIRECTORATE	
DEPARTMENT	
PAYROLL NO	

SECTION 2 – ELIGIBILITY CRITERIA - I would like to apply to work a flexible working pattern that is different to my current working pattern and I hereby confirm that I meet the following criteria (please tick)

I have worked for the Trust continuously for the last 26 weeks or more	<input type="checkbox"/>
OR	
I have worked for the Trust and have less than 26 weeks continuous service therefore I am applying as a non-statutory request	<input type="checkbox"/>
I have not made a statutory request to work flexibly under this right during the last 12 months	<input type="checkbox"/>

SECTION 3 – DETAILS OF YOUR REQUEST

Describe in detail your current working pattern (days/hours/times/weeks worked/location)

Describe the working pattern you would like to work in the future (days/hours/times/weeks worked/location). Please consider if there are a range of future working patterns you could consider.

State when you would like this proposed working pattern to commence from? (The proposed date should give adequate time for the application to be seriously considered in line with the timescales set out in the process i.e. this can take up to 3 months)

**Are you asking for a temporary change to your working arrangements?
YES/NO**

**If yes, please state the date upon which you would like the arrangement to cease.
The maximum temporary period allowed is 12 months**

What impact do you think the proposed change to your working pattern will have on your role and colleagues?

Your role:

Your colleagues

--

How could you foresee that any impact on your role and colleagues can be alleviated? – Outline your thoughts

--

Explain whether you would be willing to work in a different location, if so, how far would you be prepared to travel?

--

SECTION 4 – EQUALITY ACT 2010

<p>Please indicate if you are making this flexible working request in relation to the Equality Act 2010.</p> <p>If you have ticked this box, please indicate as to which protected characteristic you are referring.</p>	<input type="checkbox"/>
--	--------------------------

SECTION 5 – PERSONAL DECLARATION

I confirm that I have read and understood the Trust’s flexible working procedure and supporting guidance	<input type="checkbox"/>
I understand that if I fail to provide all the required information as set out in the application form, your line manager will inform you of the omission(s) and ask for the application form to be fully completed and resubmitted	<input type="checkbox"/>
I understand that I can only make one request in any 12 month period	<input type="checkbox"/>
I understand that if the request is accepted, this will involve a permanent change to my terms and conditions of employment and there is no right to revert back to my previous working pattern, (unless a temporary arrangement has been agreed in writing)	<input type="checkbox"/>
I understand and accept that as part of my flexible working request, I consent to attend <ul style="list-style-type: none"> any face to face statutory and mandatory training e.g. PAT training and will make appropriate arrangements to ensure that I can attend the full programme i.e. 5 days training 	<input type="checkbox"/>
I understand and accept that as part of my flexible working request, I consent to attend planned clinical and management supervisions, this may require me to attend outside my flexible working arrangement. Any time to attend planned clinical and managerial supervisions will be deemed as working time and will be recompensed as time owing.	<input type="checkbox"/>

Your signature	
Print Name	
Date	

Line Manager’s signature	
Print Name	
Date application received –	<p>This is the date that will be used to establish if the request, including any appeal, has been considered and decided upon within 3 months of receipt.</p> <p style="text-align: center;">Date: _____</p>

Note: This is the date that will be used to establish if the request, including any appeal, has been considered and decided upon within 3 months of receipt.

SECTION 6 - FLEXIBLE WORKING DECISION

Date application received –	<p>This is the date that will be used to establish if the request, including any appeal, has been considered and decided upon within 3 months of receipt.</p> <p style="text-align: center;">Date: _____</p>
------------------------------------	--

Note: This is the date that will be used to establish if the request, including any appeal, has been considered and decided upon within 3 months of receipt.

Requests to work flexibly must be considered objectively and they can only be refused, if there are business reasons for doing so. Prior to reaching any decision the line manager must make reference to the Guidance for Managers, this gives examples of requests considered under each of the business reasons i.e.

- Burden of additional costs
- Detrimental effect on ability to provide cover / service
- Inability to re-organise work amongst other staff
- Inability to recruit additional staff
- Detrimental impact on quality or performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural change
- Other grounds that the Secretary of State may specify by regulations.

If appropriate, please refer to your HR representative for further advice

A) LINE MANAGER’S DECISION – ACCEPT – PLEASE RETURN THE SIGNED FORM TO THE OPERATIONAL HR TEAM, FLATTS LANE CENTRE

Request accepted? **YES/NO** **If No, (Go to b)**

Confirm the change in working pattern/arrangement

Please state the date the change in working pattern comes into effect. _____

Confirm that this is a Permanent/Temporary change or trial period. _____

First review to take place in 3/6 months, the date agreed will be _____

Note: Your line manager may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances your line manager will need to consult with you accordingly, in line with the organisational change procedure.

B) LINE MANAGER'S DECISION – REJECT- PLEASE RETURN THE SIGNED FORM TO THE OPERATIONAL HR TEAM, FLATTS LANE CENTRE

If the line manager is unable to accept your request, they must clearly set out the reasons in detail:

Please tick which business reason(s) support your decision. Tick all that apply		
Burden of additional costs	<input type="checkbox"/>	Specific detail
Detrimental effect on ability to provide cover / service	<input type="checkbox"/>	Specific detail
Inability to re-organise work amongst other staff	<input type="checkbox"/>	Specific detail

Inability to recruit additional staff	<input type="checkbox"/>	Specific detail
Detrimental impact on quality or performance	<input type="checkbox"/>	Specific detail
Insufficiency of work during the period the employee proposes to work	<input type="checkbox"/>	Specific detail
Planned structural change	<input type="checkbox"/>	Specific detail
Other grounds that the Secretary of State may specify by regulations.	<input type="checkbox"/>	Specific detail

Who else have you approached to establish if the request could be considered elsewhere in the directorate?

Line Manager's signature	
Line Manager's print name	
Date	

SECTION 7 – THE APPEAL - PLEASE RETURN THE SIGNED FORM TO THE OPERATIONAL HR TEAM, FLATTS LANE CENTRE

Should you wish to appeal this decision, you must complete the information below, clearly stipulating upon what grounds you are requesting an appeal. Your appeal should be sent to **insert name** within 7 days of receipt of the outcome

I wish to appeal the outcome of my flexible working request which I received on **insert date**

Please tick the reason upon which you are making your appeal. Tick all that apply		
Your original application was not handled reasonably	<input type="checkbox"/>	Specific detail
You have new information that was not available when the original decision was made	<input type="checkbox"/>	Specific detail
Your signature		
Your print name		
Date		

SECTION 8 – OUTCOME OF THE APPEAL

Your original application was not handled reasonably	Upheld or not upheld	Specific detail
You have new information that was not available when the original decision was made	Upheld or not upheld	Specific detail
Appeal Manager's signature		
Appeal Manager's print name		
Date		

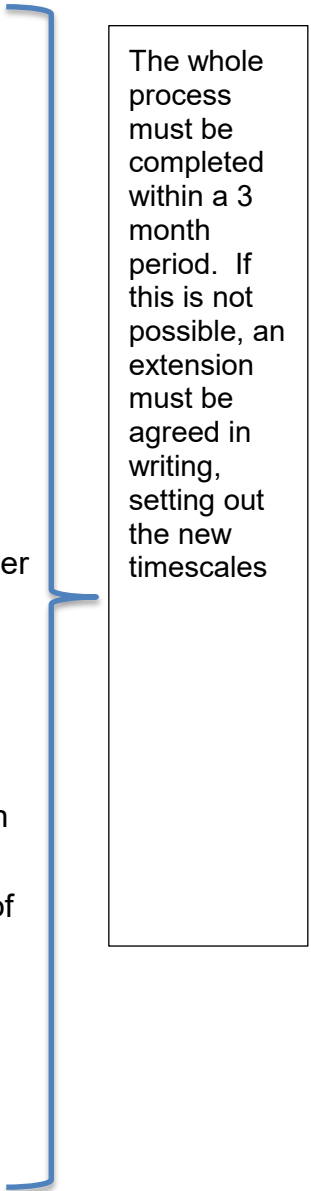
There is no further right of appeal

Appendix 3 - HOW DOES THE PROCESS WORK?

The timescales below are recommended in order to meet the requirement by law that requests to work flexibly including appeals must be considered and a decision taken within a **3 month time** period. Should you not be able to adhere to this requirement, your line manager must discuss and agree to an appropriate extension

In brief summary the key steps are:

- STEP 1** – Informal discussion between you and your line manager
- STEP 2** – Apply in Writing
- STEP 3** – Line Manager notifies HR representative that request has been received
- STEP 4** – Line Manager arranges to meet you to discuss your application
- STEP 5** – Meeting takes place
- STEP 6** – If your Line Manager cannot approve, they can escalate your application to the Head of Service for consideration across the wider Directorate/Locality, for which they have authority.
- STEP 7** – Head of Service notifies your Line Manager of the outcome of the application at a wider level
- STEP 8** – Your Line Manager notifies you of the outcome of your application
- STEP 9** – Depending on the outcome, you may wish to exercise your right of appeal
- STEP 10** – Submit your appeal
- STEP 11** – Meeting to hear your appeal is held
- STEP 12** – Outcome of appeal communicated



The whole process must be completed within a 3 month period. If this is not possible, an extension must be agreed in writing, setting out the new timescales

Appendix 4 - EMPLOYEE GUIDANCE ON FLEXIBLE WORKING REQUESTS

Considerations before applying to work flexibly

Please refer to the Flexible Working Procedure for details of the process involved in applying to work flexibly, including the Flexible Working Application Form. This procedure also provides information on the timescales involved and the appeal process should your application be rejected.

As a new working pattern will normally be a permanent change unless otherwise agreed, it is important to think carefully about your request as you will have no right to revert back to your former working arrangements.

Think about the date when you would like your new working pattern to begin. Be aware that the process can take up to 3 months to complete and sometimes longer where a problem arises. Refer to the flowchart in the Flexible Working Procedure for a summary of the timescales involved.

Remember, if you request a flexible working pattern that will result in you working fewer hours, your pay and annual leave will reduce too (and there may be other financial implications such as reduced pension benefits).

There are many different ways to work flexibly. Your request may be as simple as asking to start half an hour later than usual to allow you to drop your child off at school. Or, it may be a bigger change to your hours, for example a request to work compressed hours in order to undertake a course of part-time study.

If your request for a flexible working pattern is to enable you to care for your child after you return to work from maternity leave, think carefully about when to make your request. You might wish to mention to your manager before you take leave that you are interested in applying to work flexibly on your return. Bear in mind that you may need to attend meetings with your manager so that your request can be properly considered. If you want the changes to start on your return from maternity leave, you should make your application in line with the timescales outlined in the Maternity Procedure

If you decide to make an application, you should talk to your line manager informally in the first instance. This will enable you both to think through some of the implications and how these might be addressed before you make the formal application.

Making the application

Make sure your application is on the appropriate form, and fully completed. The level of detail required will depend on the desired changes to the existing working pattern. However, in all cases it is in your interest to be as clear and explicit as possible.

Remember, the more notice you provide, the more likely we will be able to implement the change, if agreed, when it suits you.

It is to your advantage to provide as much detail as possible about the pattern you would like to work.

Think about what effect changing your working pattern will have on your job. You should aim to show in your application that your plans will not harm the Trust's operational ability to deliver a service and may in fact enhance it. It may mean that you are available to provide extra cover at peak hours, thereby improving patient experience.

Take time to consider how your colleagues will manage if your working pattern is changed. If you have any colleagues or friends who are already working flexibly, ask them about their experiences.

If your request is to reduce your hours think carefully about how this might be accommodated.

Think about how any potential problems your plans may present to the Trust and the service your team provides could be overcome and ensure that you include these in your application. For example, it may mean that you will not be in work when the office opens, which could impact on services. What effect will this have on your team, and how could it be managed? If you are applying to reduce your hours, what suggestions can you put forward for how some of your hours, duties or workload might be covered?

The Equality Act 2010 prohibits discrimination because of an individual's protected characteristics, including disability, sex, pregnancy and maternity. Therefore, if for example, your request to work flexibly is a reasonable adjustment for a disability, you will need to indicate this on your application form.

Ensure that you submit your application to your Line Manager. If the person is absent it may be necessary to send it to an alternative manager e.g. your line manager's line manager. Your line manager will expect that you have given serious consideration and offered solutions to accommodate your request for flexible working, if this is not completed your application may be returned highlighting the omission(s) and asking you to resubmit.

The meeting

You should be prepared to expand on any points within your application.

You should prepare to be flexible. Your line manager may ask if there are any other working patterns you would be willing to consider or if you would consider another start date or a trial period.

If you are taking a staff side representative or companion along, make sure they are fully briefed on your request beforehand, provide them with a copy of your application, and inform your line manager of the name of the person who will be present. This will save time during the meeting. The role of your staff side representative or colleague is to support you and, for example, help alleviate any nervousness. They may also have some expertise about different types of flexible working.

After the meeting, the decision will be communicated to you in writing. In the event an agreement cannot be reached and your application is rejected, your current working arrangements will remain unchanged.

Withdrawing your application

If you wish to withdraw your flexible working request, then please do so in writing.

Right of appeal against a decision

If you feel that your request for flexible working has been unfairly refused, you should discuss this with your line manager in the first instance. If you wish to make a formal appeal, please refer to the Flexible Working Procedure for details.

Appendix 5 MANAGER'S GUIDANCE ON FLEXIBLE WORKING REQUESTS

Please note: Whilst an employment tribunal cannot challenge the reasonableness of a decision not to grant a flexible working request, it can dispute whether a correct process was followed to come to that decision, or whether that decision was based on correct facts. It may also dispute if clear business grounds were the rationale for the refusal

A great employer needs to be able to offer flexible working arrangements that allows staff to change their working arrangements for different purposes and to accommodate different requirements at different stages in life. Should we not be able to accommodate these requests, where possible means, that we don't just lose valuable staff, we also lose their experience, knowledge, skills and expertise. As a result we would encourage you to give serious consideration to every application received, using the advice provided in the link below.

Please read this booklet for great advice and support

<http://www.acas.org.uk/media/pdf/f/e/Code-of-Practice-on-handling-in-a-reasonable-manner-requests-to-work-flexibly.pdf>

In the booklet you will find all the advice, guidance and best practice to managing a flexible working request including examples of circumstances where the employer has refused an application

In addition, please discuss with your HR representative who will be in a position to provide the relevant HR advice and support

Appendix 6 – Guidance for Flexi-Time and Completion of Timesheet

1. Core hours should be agreed by the directorate or service manager and the team and must not disrupt the functioning of the department or other departments. Adequate and acceptable staffing levels must be maintained, subject to approved or unavoidable absence. It is the responsibility of staff and managers to maintain adequate and acceptable cover. An example of a flexible working arrangement could be as follows:

Flexible Time

Morning - 8.00 am to 9.30 am

Lunch - 12 noon to 2.00 pm

Afternoon - 4.00 pm to 6.00 pm

Core Time

Morning - 9.30 am to 12 noon

Afternoon - 2.00 pm to 4.00 pm

Lunch Time

Minimum - 30 minutes

Maximum - 2 hours

2. An employee may start and finish work at any time within the flexible periods subject to the needs of the working of the employee's section. In this example a minimum period of 30 minutes must be taken at lunch break and should be shown on the flexi-time sheet (minimum break should be 20 minutes).
3. Flexi-time should be recorded in 5 minute periods and should be the hours the employee actually works.
4. Employees are expected to ensure that their contracted hours are averaged over each accounting period.
5. Staff must liaise with their supervisor / line manager to ensure that cover is provided during normal office hours and advise expected times of arrival and departure for the following two days to assist in the planning of work if times are likely to vary from their norm.
6. All authorised leave should be credited as the normal full time working day for the discipline and ½ the normal full time hours for the discipline for a half day's leave (pro rata for part time staff).
7. In the case of whole days where holidays, sick leave, etc. are taken no times need be entered in the a.m. or p.m. columns and the credit in attendance column for that day will be 7.30. In the case of half days, times will have to be entered in the a.m. or p.m. columns, whichever is appropriate and the credit in the attendance column for that day will be the hours worked plus 3.40 (pro rata for part-time staff).

In such cases the following abbreviations should be entered in the "Absence Code" column (ABS).

P - Public/Statutory Holiday
H - Annual Leave
T - Training/Day Release
S - Sick Leave
A - Other Authorised Absence
U - Unpaid Leave
CL - Compassionate/Special Leave
O - Other
FL - Flexi-Leave

8. Flexi-leave should be entered in the "Absence Code" column as FL and the hours worked entered as 0 in the attendance column.
9. At the end of the 4 week period the final debit/credit figure should be entered as the carried forward figure.
10. When the new form for the next accounting period is started this figure should be entered in the "Credit/Debit Brought Forward" box above the Total Credit/Debit box, into which it should be included on Day 1.
11. At the end of each four week period the Record Sheet should be checked by the Manager. At the end of the accounting period the Record Sheet should be handed in to the Manager.

Appendix 7 – Flexi-time sheet

NAME: **Department:**

PERIOD: From: **To:**

Week 1

Week 2

Day	Start Time	Meal Break From To	Finish Time	Abs Code	Total Time Worked	Day	Start Time	Meal Break	Finish Time	Abs Code	Total Time Worked
Mon						Mon					
Tues						Tues					
Wed						Wed					
Thur						Thur					
Fri						Fri					

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Week 3

Week 4

Day	Start Time	Meal Break From To	Finish Time	Abs Code	Total Time Worked	Day	Start Time	Meal Break	Finish Time	Abs Code	Total Time Worked
Mon						Mon					
Tues						Tues					
Wed						Wed					
Thur						Thur					
Fri						Fri					

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Employee Signature: **Date:**

Certified Correct: **Line Manager** **Date:**

Equality Analysis Screening Form

Name of Service area, Directorate/Department i.e. substance misuse, corporate, finance etc.	Human Resources			
Name of responsible person and job title	Angela Collins- Deputy Director HR and OD			
Name of working party, to include any other individuals, agencies or groups involved in this analysis	Policy Working Group, JCC			
Policy (document/service) name	Flexible Working Procedure			
Is the area being assessed a...	Policy/Strategy	<input type="checkbox"/>	Service/Business plan	<input type="checkbox"/>
	Procedure/Guidance	<input type="checkbox"/>	X	Code of practice
	Other – Please state			
Geographical area covered	Trustwide			
Aims and objectives	Following this procedure will help the Trust to:- Ensure staff are aware of what they are entitled to in relation to flexible working; Ensure staff are aware of the different types of flexible working; Ensure staff know how to apply for flexible working; Comply with statutory requirements; Ensure fairness and consistency; Provide supporting information relating to flexible working.			
Start date of Equality Analysis Screening (This is the date you are asked to write or	September 2018 - Reviewed March 2020			

review the document/service etc.)	
End date of Equality Analysis Screening (This is when you have completed the equality analysis and it is ready to go to EMT to be approved)	September 2018 - Reviewed March 2020

You must contact the EDHR team if you identify a negative impact.

1. Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?					
All staff who wish to submit a flexible working request					
All managers receive a flexible working request					
2. Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups below?					
Race (including Gypsy and Traveller)	No	Disability (includes physical, learning, mental health, sensory and medical disabilities)	No	Gender (Men, women and gender neutral etc.)	No
Gender reassignment (Transgender and gender identity)	No	Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual etc.)	No	Age (includes, young people, older people – people of all ages)	No
Religion or Belief (includes faith groups, atheism and philosophical belief's)	No	Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on	No	Marriage and Civil Partnership (includes opposite and same	No

		maternity leave)	sex couples who are married or civil partners)
<p>Yes – Please describe anticipated negative impact/s</p> <p>No – Please describe any positive impacts/s</p> <p>Whilst we currently do not have any evidence of any negative impact the procedure may have, the new procedure allows the HR department the opportunity to review the outcome of all flexible working requests to ensure there is a consistency approach across the organisation. This will ensure that the process does not negatively impact on the above protected characteristics are not disadvantaged.</p> <p>The minor changes to the procedure March 2020 – is the inclusion of the option for all staff to request a temporary step down into a less demanding role should they wish. Whilst it is acknowledged that this may be more feasible for certain staff groups we have not identified any negative impact this would have on any of the above protected characteristics.</p>			

3. Have you considered other sources of information such as; legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.? If 'No', why not?	Yes	X	No	
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<p>Sources of Information may include:</p> <ul style="list-style-type: none"> • Feedback from equality bodies, Care Quality Commission, Equality and Human Rights Commission, etc. • Investigation findings • Trust Strategic Direction • Data collection/analysis • National Guidance/Reports 	<ul style="list-style-type: none"> • Staff grievances • Media • Community Consultation/Consultation Groups • Internal Consultation • Research • Other (Please state below)
<p>4. Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the following protected groups?: Race, Disability, Gender, Gender reassignment (Trans), Sexual Orientation (LGB), Religion or Belief, Age, Pregnancy and Maternity or Marriage and Civil Partnership</p>	
<p>Yes – Please describe the engagement and involvement that has taken place</p>	
<p>Members of the Policy Working Group including staffside; JCC. The procedure has been sent for full consultation – Trustwide.</p>	
<p>No – Please describe future plans that you may have to engage and involve people from different groups</p>	

5. As part of this equality analysis have any training needs/service needs been identified?					
Yes/No	Please describe the identified training needs/service needs below				
	Briefing and Awareness sessions to be arranged for managers in relation to the changes in the process.				
A training need has been identified for;					
Trust staff –	Yes/No Yes	Service users	Yes/No	Contractors or other outside agencies	Yes/No
Make sure that you have checked the information and that you are comfortable that additional evidence can provided if you are required to do so					
The completed EA has been signed off by: Abby Holder You the Policy owner/manager: Type name:					Date:12.3.2020
Your reporting (line) manager: Beverley Vardon- Odonkor Type name:					Date:12.3.2020
If you need further advice or information on equality analysis, the EDHR team host surgeries to support you in this process, to book on and find out more please call: 0191 3336267/3046					