

FLEXIBLE WORKING POLICY

Written/Produced By:	Title/Directorate	Date:
Jo Gahan	HR Business Partner	1 April 2008

Person Responsible for Monitoring Compliance & Review	Monica Green, Director of Human Resources
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FLEXIBLE WORKING POLICY

1. Relevant to

- 1.1 This Policy applies to all staff employed by East Sussex Hospitals NHS Trust, irrespective of age, disability, race, nationality, ethnic or national origin, sex, gender, marital or family status, domestic circumstances, religious belief or similar philosophical belief, sexual orientation, social and employment status, HIV status, physical appearance, gender reassignment, political affiliation or non/trade union membership, grade or profession, where the needs of the service will not be adversely affected.
- 1.2 Whilst considering that all staff working flexibly will have equal statutory rights to all other employees.

2. Purpose of Guidance

- 2.1 There are a range of options that enable employees to alter their working hours to reflect their changing needs and responsibilities outside of work, and changing personal circumstances, whether these are permanent or temporary. The Trust is committed, wherever possible, to providing patterns of employment that will enable staff to feel a greater sense of control over their working life and to support staff in maintaining a healthy balance between their working and private lives that improves the recruitment, retention and motivation of its employees.
- 2.2 The same options can also give the Trust more scope and flexibility for the changing demands of a 24 hour/365 day service.
- 2.3 Flexible working can be put in place where it is operationally viable in order to support equality of opportunity in employment and to support improved staff recruitment, better retention of existing staff, better time keeping, a greater degree of loyalty and commitment, enhanced reputation as a good employer and a return to work after an employment break. Some posts may not lend themselves to a flexible working pattern, and this will be at the discretion of the manager. However, where possible, managers should make every effort to meet different working requirements, as long as the needs of the service are not compromised.
- 2.4 The manager will need to show that they have given the situation adequate consideration and will need to put forward reasonable justification if they are unable to accommodate such a change in working pattern. Guidance can be sought from the Human Resources Department where necessary.
- 2.5 If a request is refused and an employee is unhappy with their manager's decision, the employee will have the right of appeal against the decision.

3. Statutory Right to Request Flexible Working Patterns

- 3.1 Since 6 April 2003 an employee who is (or is the spouse, civil partner or live in partner of) the parent, adoptive parent, guardian, special guardian or foster parent of a child aged under 6, or under 18 where disabled, and who has been continuously employed for 26 weeks or more has had the legal right to apply to

vary their terms of employment in order to work flexibly as provided by the Employment Act (2002).

- 3.2 As of April 2007, as part of The Work and Families Act (2006), this legal right to request flexible working is extended to employees who have caring responsibilities for an adult aged 18 or over, who is the employee's spouse, civil partner or live in partner, a relative, or someone living at the same address as the employee. The 'relative' definition includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives. This extends the provisions of the Employment Act 2002.
- 3.3 The Trust will endeavour to accommodate flexible working requests from all staff if it is deemed to be a reasonable request. It is important, however, to be aware of the Trust's statutory duty in this respect both to protect the interests of the Trust and to demonstrate a fair and consistent approach to considering requests. An employee who meets the requirements of the Employment Act (2002) and/or The Work and Families Act (2006), will be given priority in their request for flexible working over other employees.
- 3.4 The Employment Act (2002) & The Work and Families Act (2006) Regulations do not provide an automatic right to work flexibly as there may be occasions when the Trust is unable to accommodate the employee's desired work pattern when ensuring service delivery and quality standards, including health and safety and legislative requirements are not compromised. The right to apply is designed to meet the needs of both the employee and the Trust. The process of application aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits both. The employee has a responsibility to think carefully about their desired working pattern when making an application and the Trust is required to follow a specific procedure to ensure requests are considered objectively.
- 3.5 In order to make a request under their legislative right an individual will:
- Be an employee
 - Not be an agency worker
 - Have worked with the Trust continuously for 26 weeks at the date the application is made
 - Not have made another application to work flexibly under the right during the past 12 months.
- 3.5.1 Parents will
- Have a child under 6 years of age, or 18 where disabled
 - Have submitted an application by the day before the child's 6th (or 18th) birthday. An employee making an application to care for an adult can make the application at any time, provided that they meet all the other conditions
 - Make the application no later than 2 weeks before the child's appropriate birthday
 - Be pregnant, or in the process of adopting a child and wanting to negotiate a change to working arrangements on return
 - Have, or expect to have, the responsibility for the child's upbringing
 - Be making the application to enable them to care for the child

- Be either:
 - The mother, father, adopter, guardian or foster parent of the child, or
 - Be married to or the partner of, the child's mother, father, adopter, guardian or foster parent

3.5.2 Carers of adults who are in need of care

- Must be, or expect to be, caring for a spouse, partner, civil partner or relative (a relative for this purpose is a mother, father, adopter, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives, half-blood relatives and adoptive relationships are also included), or
- Live at the same address as the adult in need of care
- An employee making an application to care for an adult can make the application at any time, provided that they meet all the other conditions

3.6 Eligible employees will be able to request:

- A change to the hours they work
- A change to the times when they are required to work
- Part time working
 - This is working anything less than full time hours
- Annualised hours
 - Where the period over which the employees must work is defined over a whole year
- Term time working
 - An employee does not work during the school holidays, but their pay is paid equally throughout the year
- Job share
 - A form of part time working where 2 people share the responsibilities for one job between them
- Flexi time
 - This allows employees to decide, with their manager, when to begin and end a working day
- Self Rostering
 - When a team has some flexibility to organise their own shifts within clearly agreed guidelines of acceptable staffing levels
- Working from Home
 - To work from home for all or part of the week

4. **Applications Outside of the Employment Act (2002) & The Work and Families Act (2006)** will be considered and staff will be able to apply to work flexibly in line with Trust policy of improving working lives and helping staff achieve a work life balance. There are numerous reasons why an employee might wish to work on a flexible basis, such as for example,

- childcare responsibilities
- dependent responsibilities
- health problems
- further education or training
- easing back into work following periods of extended leave
- other work commitments

This list is not exhaustive and careful consideration should be given to the merits of any request.

- 4.1 In order to make a request outside of the Employment Act (2002) and/or The Work and Families Act (2006), an individual will:
- Be an employee
 - Not be an agency worker
 - Have worked with the Trust continuously for 26 weeks at the date the application is made
 - Not have made another application to work flexibly under the right during the past 12 months.

- 4.2 An employee who meets the requirements of the Employment Act (2002) and/or The Work and Families Act (2006), will be given priority in their request for flexible working over employees making a request outside of the legislation.

5. Process to Follow

- 5.1 When making a request, in the first instance, if an employee is thinking about changing a work pattern they should speak to their manager and explore what possibilities and opportunities may be available. They should then set out their request in writing using the form at Appendix A, giving alternatives for the way they would like to work.

- 5.2 They should state what effect, if any; they think the change will have on the department/area of work and how it is thought that may be dealt with. Staff should also state the date that they would like the new way of working to start from, (8 weeks notice is acceptable although under the right to apply it may take the manager 4 weeks to implement, possibly longer where difficulties arise). It should be borne in mind that, in most cases, the change will be a permanent change to the contract, although managers do have the ability to make short term changes to patterns of working as long as these can be accommodated within the needs of the service.

- 5.3 It is important to show flexibility and understanding to enable others to continue to do their jobs and fulfil their responsibilities when employees are requesting a change to their own working arrangements. The staff member should demonstrate that the request has been thought through from the perspective of the goals of the department and that they have carefully considered various factors including:

- Benefits to themselves
- Benefits to the department and the running of it
- Benefits to other team members and the manager
- Added value to the organisation by changing a current work pattern

- 5.4 When considering a request, to work flexibly, a manager should not feel obliged to make an immediate decision but should take time to really consider the implications and how a flexible pattern might work. As part of the decision making process the manager might want to discuss the proposal in more detail with the member of staff, their own manager and a member of HR. The manager should carefully consider various factors including the service, the team and the employee.

- 5.5 Managers have a legal duty to consider applications made under the Employment Act (2002) & The Work and Families Act (2006), and establish whether the work pattern can be accommodated within the needs of the service. Each application should be considered objectively on this basis.
- 5.6 In some cases, for example where a whole team change is proposed, the manager should ensure that all those staff affected have the opportunity to comment on the proposals and raise any concerns they may have, in accordance with the Employment Protection Procedure.

6. What Will Be Considered

- 6.1 When implementing any revised working patterns managers and staff need to be aware of the potential impact on the provision of service on other departments. All flexible working proposals need to be discussed fully and carefully before being introduced. The impetus for introducing more flexible working opportunities is very much about the Trust developing itself as a best practice employer.
- 6.2 Each application will be considered in accordance with the set procedure laid down and will only be refused in cases where there is a clear business reason for doing so.
- 6.3 Employees will be required to provide documentation and any other relevant information to prove they meet the eligibility criteria laid down in the Employment Act (2002) & The Work and Families Act 2006.
- 6.4 In ALL cases the key criterion for deciding whether to grant applications for flexible working must be that there is no detriment to the service although there may be changes to how it is provided.
- 6.5 Examples of a business reason for refusing a request may include:
- Burden of additional cost
 - Detrimental effect on ability to meet demand
 - Inability to reorganize work among existing staff
 - Inability to recruit additional staff
 - Detrimental impact on performance
 - Insufficiency of work during the periods the employee proposes to work
 - Planned structural changes
- 6.6 In some cases the manager and employee may conclude that a permanent change to a contract is not the best solution. Managers will be able to agree short term flexible working arrangements where necessary.
- 6.7 Where a request is made by a disabled employee or a woman returning from maternity leave, the law is different. A refusal could have wider implications. If a manager believes that s/he cannot agree such a request advice should be sought from the Human Resources Department.

6.8 Managers are expected to explain and demonstrate justified reasons for refusing/allowing requests.

6.9 The legislation does not provide for any trial period but employers can agree an informal trial period.

7. Making an Application

7.1 All applications must be in writing on the form provided at Appendix 1. The form must be completed in full, signed and dated, and any supporting documentation must be attached. Applications should be submitted well in advance of the date of the proposed change to the relevant line manager; 8 weeks notice is acceptable, although under the right to apply it may take the manager 14 weeks to implement any change, possibly longer where difficulties arise.

7.2 Upon receipt of the written application from an eligible employee, the line manager will acknowledge receipt of the application in writing. The manager will then have 28 calendar days in which to either accept the application and to notify the employee accordingly in writing, or to arrange a meeting with the member of staff to discuss the application.

7.3 If the request can be accommodated, then the manager should write to the employee within 14 days, specifying the agreement and confirming start date. A variation to contract letter should be completed and signed by the employee. The manager will also make arrangements to notify Payroll of the changes.

7.4 Where a decision cannot be made and there is a need to meet with the employee this will take place within 28 calendar days.

7.4.1. The line manager will consult with Human Resources and an HR representative will also be present at the meeting.

7.4.2. The employee has the right to be accompanied to this meeting by a workplace colleague or trade union representative and reasonable notice of the date of the meeting should be given. The representative can address the meeting but is unable to answer questions on behalf of the employee.

7.4.3. If the representative is unable to attend the meeting, the employee can re-arrange the meeting within 7 days of the original date proposed, ensuring the new date is convenient for all parties involved. They may also consider an alternative representative.

7.5 The meeting gives the opportunity to both parties to discuss the desired work pattern in depth and consider how it may be accommodated. It may be possible to come up with a different solution which meets the individual's needs but which can be accommodated within the needs of the service. Managers may also want to consider an agreed short term trial period to see if the arrangements are possible to accommodate within the needs of the service. If this is agreed, the date for the final decision about whether flexible working can be accommodated will be extended to the end of the trial period.

7.6 After the meeting the manager will again consider the request with the new information gathered and should write to the employee notifying them of their decision within 14 calendar days of the meeting. If the application cannot be

accepted the letter will state the grounds for refusal that apply in the circumstances. If the application is accepted then refer to 7.3 above.

8. Exceptions to the Time Limits and Withdrawals

- 8.1 There are circumstances where an automatic extension applies, these are:
- Through mutual agreement of both parties. The manager must make a written record of the agreement and copy to the employee
 - Through absence of management due to illness or leave. The period a member of the management team has to arrange and meet with the employee will commence either on the date the manager returns or up to a maximum of 42 calendar days after the application is made, whichever is the sooner.
- 8.2 There are 3 reasons why an application may be treated as withdrawn, these are:
- Withdrawal of application by the employee. In this circumstance an employee will not be eligible to make another application for 12 months from the date their application was submitted unless exceptional circumstances prevail. The employee must notify their line manager of the decision to withdraw their application as soon as possible, in writing.
 - An employee's failure to attend 2 mutually arranged meetings to discuss an application without reasonable cause will be viewed as an automatic withdrawal of the request
 - The employee failing to provide the manager with the required information related to the request without reasonable cause will also be constituted as an immediate removal of the application.

9. Appealing the Decision to Reject an Application

- 9.1 The Employee will have the right to appeal against the decision. This must be made in writing to the line manager, with a copy to the Director of HR, within 14 days of notification of the decision of the rejection of application to work flexibly. The request must be dated and set out the grounds for the appeal.
- 9.2 An appeal hearing will be arranged and the Trust will make arrangements for this to take place at a mutually convenient time to both parties, but within 14 days of receiving the notification of the employee's wish to appeal. A senior manager, who has not been involved in the original decision, will hear the appeal, with support from Human Resources. They will review the process/business grounds applied by the line manager for rejecting the original application.
- 9.3 The employee may be accompanied at the appeal meeting, by a workplace colleague, or trade union representative. The representative can address the meeting but is unable to answer questions on behalf of the employee.
- 9.4 The employer must then convey its decision to the employee in writing within 14 days of the appeal hearing. If the appeal is upheld, the employer's letter must specify the contract variation agreed to and the date from which it is to take effect. If the appeal is dismissed, the letter must set out the grounds for the decision and contain sufficient explanation as to why those grounds apply.
- 9.5 There is no further right of appeal and this effectively ends the formal procedure within the Trust.

9.6 It is important that staff feel able to request flexible working, discuss it with their manager and have their application properly considered. Whilst it may not have been possible to grant a request for flexible working in one instance, it is important to emphasise that future applications will always be considered on their own merits.

10. Health & Safety/Clinical Risk Considerations

10.1 Where appropriate, managers will conduct risk assessments to assess any risk concerns arising as a result of the proposed changes in the working patterns of staff.

10.2 It should be noted that the requirements of the Working Time Regulations (1998) continue to apply to staff working flexible hours. Under the Regulations the following conditions must be complied with:

- 20 minutes rest break for shifts of 6 hours or more
- 11 hour daily rest break between shifts in each 24 hour period
- 24 hour weekly rest in a 7 day period
- managers may not request that staff work in excess of 48 hours per week averaged over a 13 week period and employees should have a rest period of at least 11 hours between shifts

Employees can agree to 'opt out' but should agree set terms with their manager that allow them to 'opt back' in if they so wish. Refer to local agreement Working Time Regulations.

11. Refer to:

Local Collective Agreement on Working Time Regulations 1998 (ESHT 2003)

Healthcare Commission Standards for Better Health: Core Standard C70e
Developmental Standard D07

APPENDIX 1

**FLEXIBLE WORKING OPTIONS
APPLICATION FOR A CHANGE TO CONTRACTUAL WORKING ARRANGEMENTS**

TO BE COMPLETED BY STAFF MEMBER

This application form should be completed and returned to your line manager if you want the Trust to consider your request for a change to your present working pattern. You should ensure you submit this application well in advance of the date you wish the request to take effect.

All information required to support your application must be completed otherwise your application may have to be returned to you for clarification.

1. Personal Details

Name:	Job Title:
Department:	Manager:

2. Declaration

I confirm the following all apply:		(tick as applicable)
That I am an employee of the Trust		
I am not contracted to work only on the Bank		
That I have worked with the Trust continuously for 26 weeks at the date the application is made		
I have not made another application to work flexibly under the right during the past 12 months		

3. Application under Employment Act 2002

I would like to apply to work a flexible working pattern that is different to my current working pattern under the Employment Act 2002. I confirm I meet each of the eligibility criteria under the Employment Act 2002 as follows.	
Please indicate which of the following applies by ticking the relevant boxes	
I have responsibility for the upbringing of either:	
• A child under 6 years of age, or	
• A disabled child under 18	
And I am:	
• The mother, father, adopter, guardian or foster parent of the child, or	
• Am married to or the partner of, the child's mother, father, adopter, guardian or foster parent	

I am:	
• Making the application to enable me to care for the child	
OR	
I am, or expect to be:	
• Caring for an adult	
And I am:	
• The spouse, partner, civil partner or relative of the adult in need of care, or	
• Live at the same address as the adult in need of care	
I am:	
• Making this request to help me care for the adult in need of care	

OR

4. Application outside of Employment Act 2002

I wish to apply, at the Trust's discretion, to work a flexible work pattern. I understand that if an employee who meets the requirements of the Employment Act 2002 has also submitted a similar request, they will be given priority in their application	
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5. Describe your current working pattern

6. Describe the working pattern you would like to work in the future

7. What date would you like this pattern to commence on? (8 weeks notice is acceptable, although under the right to apply it may take the manager 14 weeks to implement any change, possibly longer where difficulties arise).

8. Detail how the effect on your service area and work colleagues can be dealt with

9. **What are the benefits to your department and East Sussex Hospitals NHS Trust in agreeing to your request?**
10. **In order for you to remain a full member of the team, what communication/contact would you be prepared to maintain in order to ensure that you are kept up to date and what would you like your manager to do?**
11. **Is there any other information that you think is relevant to your application, which you would like to be considered by your manager?**

I have read the Flexible Working Policy and understand the change to my working pattern will be a permanent change to my terms and conditions of employment and I will have no automatic right in employment law to revert back to my previous working pattern

Signed:

Name:

Date:

**FLEXIBLE WORKING OPTIONS
 APPLICATION FOR A CHANGE TO CONTRACTUAL WORKING ARRANGEMENTS**

TO BE COMPLETED BY LINE MANAGER

Dear

Following receipt of your application, which I received on (date) I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application	
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OR

I am unable to accommodate your original request. However, I am able to offer the alternative pattern, which we have discussed and you agreed would be suitable.	
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Your new working pattern will be as follows:

Your new working arrangement will commence from (date)

<p>NOTE TO EMPLOYEE: Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no automatic right in employment law to revert back to your previous working pattern</p>
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OR

<p>I am sorry but I am unable to accommodate your request for the following business grounds:</p>	
<p>The grounds apply in the circumstances because:</p>	

If you are unhappy with the decision you may appeal against it. Details of the appeal procedure are set out below:

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

Signed:	Date:
Name:	

All staff have the right to appeal against this decision. This must be made in writing to the line manager, with a copy to the Director of HR, within 14 days of notification of the decision of the rejection of application to work flexibly. The request must be dated and set out the grounds for the appeal.

NOTES

OPTIONS FOR FLEXIBLE WORKING

A change to the hours staff work or a change to the times when staff are required to work

- **Part time working** - working anything less than full time hours
This is the most common form of flexible working and refers to any member of staff who is contracted to work less than full time hours. Filling roles on a part time basis can give service benefits such as having more staff available at busy times or on busy days, or can help recruitment to difficult to recruit to posts as it widens the pool of people who may be interested in the job. It also supports the Trust's aim of having a diverse workforce, as a lack of part time job vacancies can be a barrier to work for those people with caring responsibilities. This is particularly so for people seeking more senior graded jobs on a part time basis.
- **Annualised hours** - Where the period over which the employees must work is defined over a whole year. Annualised hours give organisations and staff extra flexibility to vary patterns of work across each year according to service needs and individual preference. They are particularly useful where there are predictable fluctuations in activity levels for staff over different times of the year. The total number of hours to be worked in the full year and the pattern of working is agreed at the outset of employment.

Whilst the hours worked each week/month may vary, the salary remains constant throughout the 12 months. The set amount of hours worked are divided into two groups: Core Hours, whereby the employee works set hours throughout the year as a standard contract, e.g., every Saturday each week for 48 weeks at 8hours. Reserve Hours, outside of the core hours, management can require the employee to work when the need arises. Staff will be given at least 3 weeks notice of when these hours are to be worked. It should be noted that the reserve hours cannot exceed the number of core hours and the total contracted hours cannot exceed the full time hours requirement for the post. In annualised hours schemes, the hours actually worked need to be recorded on a timesheet, one can be found at Appendix 4, with an overview record sheet at Appendix 5, and this should be closely monitored by the employee and manager on a regular basis, every quarter, to ensure both core and reserve hours for the period have been worked. The quarterly review will allow time to plan how the contracted hours will be fulfilled in the event that the reserve hours remain outstanding for that period. The balance of hours must be worked within the financial year. If an employee is absent due to sickness or annual leave, the number of hours recorded will be whatever the arrangement to work that day is.

- **Term time working** - an employee does not work during the school holidays, but their pay is paid equally throughout the year. Term time working is an arrangement whereby an employee works only those periods when schools are open, enabling them to provide care for their dependents children during the school holidays. The arrangement may also be used because of the

needs of the service e.g., widely used in a department which provides a school nursing service and when the service itself is quieter.

The primary objective is to attract and retain qualified, skilled and experienced employees who might otherwise not join or might have to leave the Trust's employment because they are unable to work during the school holidays. It generally means that staff will work on the basis of a fixed number of term time hours per week during school term time only and that the school terms will last a fixed number of term time weeks during each academic year, i.e. 1 September to 31 August. Staff will notify the Trust by no later than the 1 August each year of the number of term time weeks for the coming academic year. The annual salary also takes into account the paid annual leave entitlement, which will be paid. Annual leave accrues during term time only and is expected to be taken during the school holidays. There is no entitlement to paid annual leave outside of the school holiday periods. Payment is proportioned equally throughout the year. During school holidays, there is no requirement to attend for work or perform any duties under this contract, unless the Trust specifically requests so.

- **Job share** - a form of part time working where 2 people share the responsibilities for one job between them. Both staff have equal responsibility for achieving the job role and objectives. It is best if the work is divided equally and each partner undertakes a proportion of the work of the post and receives a salary corresponding to the hours worked. The proportions need not be 50:50 but can fit to the needs of the individuals and the service. It requires a high degree of co-operation between the partners who may be expected to provide reasonable cover on a full time basis whenever practicable in the absence of his/her job share partner. This may include cover for sickness absence, annual leave, training courses. This will be agreed between the manager and the job sharer. Handover periods will also need to be built into the arrangement, and there is a need for the sharers to be able to work positively together.

Where a pre-matched pair applies to share a job, it should be established whether each person wishes their application to be considered only in partnership with their sharer. All short listed candidates who wish to job share will be interviewed and pre-matched pairs should be interviewed separately initially and then together to ensure compatibility. If only one of the pair is considered suitable for appointment and that person is the most suitable candidate, or if a single sharer applies for a post and he is the best candidate, s/he should be placed on hold and the job re-advertised, either to find a suitable partner or a suitable full time applicant. It would not be expected to advertise the post more than twice in a 6 month period. Where a current staff member wishes to job share their present job, and the job is considered suitable for sharing, the second half of the job should be advertised, and again, the expectation is that the post would not be advertised more than twice in a 6 month period. Consideration should be given to the cost of external advertising and a decision may be made to advertise internally only. The job share arrangement will only formally commence once a suitable partner has been found to fill the existing vacancy. If no suitable partner is found and the post had not previously been

a job share, then the existing employee should be informed that there is no possibility of a job share and the original contract will continue.

- **Flexi time** - this allows employees to decide, with their manager, when to begin and end a working day. Its use is normally most appropriate for office workers, administrative and clerical staff and enables staff to be able to miss the worst of the rush hour and manage their journey to work better. It also allows for employees to be able to manage commitments outside of work at the start or finish of the working day. Managers must agree with each member of staff a general pattern of attendance, i.e. the normal starting and finishing times each day including the times for lunch breaks. There are recommended core times of work, e.g. between 1000 and 1530 but staff could start work from 0800 and work as late as 1800, depending on the nature of their work and the hours within which a service must be available, e.g. 0900 to 1700. Colleagues will be expected to provide a degree of cover for each other throughout the hours of service and during times of peaks in workload or sickness absence. This allows flexibility to design each day according to personal needs, workload and the needs of the service. It is imperative that contracted hours are met within any calendar month and this is the responsibility of both the line manager and the staff member.

The introduction of flexi time is to enable staff to respond flexibly to service demands, whilst continuing to provide the highest quality service, to ensure that where appropriate staff are able to exercise personal control over their working hours. Once agreed, a flexi plan should be implemented using Appendix 6. Parameters should be agreed such as the span of hours over which the system operates – that is the earliest and latest permissible start and finish times and core times that the employees must be present.

Extra hours worked will be taken as whole or flexi half days at a time agreed with the manager. No more than one standard day is to be accumulated at any one time without the specific agreement of the manager. These days or half days will normally be taken within the next 8 weeks. In exceptional circumstances, where a manager is unable to allow a member of staff to take flexi days or half days within the 8 week period, the member of staff will be allowed to carry this forward to the next 4 weeks. Hours less than standard for the month worked are to be made up in the next 8 weeks. This arrangement for flexi or half days will be local and Payroll need not be notified. Failure to make up the debit hours within the agreed time limit will result in adjustment to the employee's pay unless the manager can agree an extension of time in which to make up the hours. No more than one standard day should be in debt at any one time unless the manager agrees to this.

- **Self Rostering** - when a team has some flexibility to organise their own shifts within clearly agreed guidelines of acceptable staffing levels. Self rostering reduces conflicts or tensions over shift allocation by introducing an element of personal choice in more complex work situations where staffing levels skill mix and other considerations require a rigorous organisation of hours. It enables an effective match between staffing levels and delivery of care, and encourages development of stronger team spirit by the 'collective' determination of shift arrangements. It also opens the way for new care initiatives, such as evening and weekend clinics and extra theatre sessions.

This is achieved by challenging conventional rosters, which represent a job as something that is done between the same fixed times each day.

In order to be successful the whole ward/section/department would need to agree implementation of a system. Staff put forward the times they would like to work their 'ideal' shifts' and the times they would like to protect away from work, 'unsuitable shifts'. This is used to compile shift patterns that match individual preferences as closely as possible, whilst maintaining agreed levels of cover at all times. Whilst staff can submit preferences they are not all guaranteed, though it is usual to have a minimum of requests that will be honoured. Before self rostering can be introduced, parameters must be agreed which would include – minimum and maximum staff levels for each hour of the day; skill and grade mix; setting limits for time owing and owed by members; guaranteed non working time and core hours

- **Working from Home** - to work from home for all or part of the week. Home working, for the purpose of this policy, refers to time spent working at home rather than on Trust premises. This policy is not designed to deal with any employee who has been contracted on the basis that their home is already their normal place of work. It is not intended that home working should be a full time arrangement. Rather, it is envisaged that staff may have the option to work part of the working week or day at home. Alternatively, it may be used for short periods of up to a couple of weeks at a time when an employee has problems with getting to the workplace, possibly due to issues of mobility. If it is intended, to be used for longer term then arrangements should be made for a full risk assessment of the work area. It should not be used where medical opinion is that the person is unfit for work.

Prior to implementation manager and employee should engage in discussion and consider the nature of the work and it's suitability to home working; the employee's ability to work without direct supervision; the employee's ability to meet deadlines (track record); implications for colleagues, especially those managed by the post holder; self motivation and discipline; the possibility of feeling isolated because of reduced contact with colleagues; the cost of any extra equipment needed.

The following factors must also be considered and formal local agreements must be made before an employee commences working at home:

- a) hours to be worked should be agreed
- b) Health & Safety issues, both employer and employees
- c) environmental issues such as furniture which should be assessed. Whilst the Trust does not have an obligation to maintain the home workplace in a safe condition, the line manager may wish to visit the proposed site to be reassured that the employee has made adequate provision.
- d) security and confidentiality rules continue to apply to all business conducted on behalf of the Trust, this includes the Data Protection Act requirements. Breaches will be dealt with under the Trust Disciplinary Procedure.
- e) communications arrangements must be robust. Local protocols will be developed, agreed and put into place before home working can commence, with the principle being that it should be possible to contact the employee working at home at any time during the agreed working hours.

f) under The Health Act 2006, home workers can smoke in their own homes if they work there alone. However if people attend the home worker's home to provide or receive goods or services it will be required to be smoke free. If the home worker works at home with another person the home will need to be smoke free.

g) It is the responsibility of the employee to consult their insurance company, mortgage holders, landlords, local rate office, and tax office where appropriate to ensure that they meet any contractual requirements. **Failure to inform domestic insurers may result in insurance cover being rendered invalid.**

ANNUALISED HOURS MONTHLY TIMESHEET

Name:	Month:
Job Title:	Dept:

BREAKDOWN OF HOURS WORKED THIS MONTH:

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31									

TOTAL HOURS WORKED THIS MONTH (not inc a/l, BH)	
ANNUAL LEAVE TAKEN THIS MONTH	
BANK HOLIDAY TAKEN THIS MONTH	

TOTAL
(including A/L & B/H taken)

Signed(Employee):	Date:
Signed (Manager):	Date:

**ANNUALISED HOURS RECORDSHEET
 OVERVIEW OF YEAR**

Name:	Period:	Contracted to work:
Job Title	Dept.	A/L entitlement: BH entitlement:

Contracted to work box should correspond with Total box at bottom

	Month	Hours worked	AL taken	BH taken	Total
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
Total					Total

Signed(Employee):	Date:
Signed (Manager):	Date:

FLEXI TIME AGREEMENT

Name:	Hours:
Job Title:	Dept.:

This Agreement sets out the terms and conditions for the above named to work under the Flexi Time Scheme and should be read in conjunction with the Flexible Working Policy.

- 1 The standard hours for each working day are:
- 2 The Departmental core hours are: to:
- 3 The Departmental flexi hours are: to:
- 4 The minimum lunch break to be taken is:
- 5 Credit hours of no more than one standard day may be accumulated at any one time
- 6 Credit hours accumulated must be taken within the following 8 weeks, with management agreement
- 7 Debit hours of no more than one standard day may be accrued at any one time
- 8 Debit hours must be made up within the next 8 weeks
- 9 Failure to make up debit hours will result in an adjustment to pay
- 10 Flexi Time sheets must be completed on a daily basis and submitted to the Line Manager at the end of each 4 week period
- 11 Team members must have local arrangements to ensure that all service hours are covered
- 12 Staff who wish to leave the Flexi Time Scheme or Trust employment must ensure that outstanding credit hours are taken. No payment will be made for credit hours
- 13 Staff who wish to leave the Flexi Time Scheme or Trust employment must ensure that outstanding debit hours are made up or their pay will be adjusted accordingly

I have read the Flexible Working Policy and I agree to the terms and conditions of the Flexi Time Scheme as set out above.

Signed:

Date:

APPENDIX 7

FLEXI TIME RECORDSHEET
OVERVIEW OF MONTH

Name:	Hours:
Job Title:	Dept.:

CORE HOURS	AM	From:	To:	PM	From:	To:
Date	Day	AM		PM		Hours worked
		Start	Finish	Start	Finish	
	Mon					
	Tues					
	Wed					
	Thurs					
	Fri					
	Sat					
	Sun					
				TOTAL HOURS WORKED THIS WEEK:		
				STANDARD HOURS:		
				CREDIT HOURS TO DATE:		(+)
				DEBIT HOURS TO DATE:		(-)

Signed(Employee):	Date:
Signed (Manager):	Date:

Management Guidelines

Relevant to 5.1 of the policy:

When considering a request, to work flexibly, a manager should not feel obliged to make an immediate decision but should take time to really consider the implications and how a flexible pattern might work. As part of the decision making process the manager might want to discuss the proposal in more detail with the member of staff, their own manager and a member of HR. The manager should carefully consider various factors including:

- **The Service:** How will this affect the service? Will there be any additional costs involved? Could a more flexible working pattern help improve the service? How will the remainder of the hours/work be covered? Is the proposed change in the interests of the service as a whole? What could be the likely impact on other Departments and how will this be managed?
- **The Team:** Would flexible working affect the way the team works? Would flexible working have positive or adverse effects on colleagues? Is managerial guidance required at all times?
- **The Employee:** Does the employee's request best suit the employee's needs? Are they aware that certain types of flexible working are likely to affect their pay and benefits, eligibility for overtime (e.g. part time staff), unsocial hours payments, pension, annual leave entitlement, or other conditions of service (e.g. sick pay) etc? Whilst considering that all staff working flexibly will have equal statutory rights to all other employees. What are the implications if the request is refused?

Relevant to 5.6 of the policy

In some cases, for example when a change to one person's working pattern may affect other staff, or where a whole team change is proposed, the manager should ensure that all those staff affected have the opportunity to comment on the proposals and raise any concerns they may have. Members within a team will have views on how work is organised; they will also probably have ideas on how it could be done better. Discussions with staff should focus on changes they would like to see promote the flexible working initiative and relating these to service delivery. It may not be possible to accommodate the wishes of all staff, and in these instances the manager should use their discretion to ensure that the most reasonable outcome is achieved.

Relevant to 6.6 of the policy

In some cases the manager and employee may conclude that a permanent change to a contract is not the best solution. This might be the case where an employee is caring for someone with a terminal illness, or where a child is starting school and is attending for reduced hours for an initial period. Managers will be able to agree short term flexible working arrangements where necessary.