# Flexible Working Policy (Including Agile Working Principles)

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|---|---|
| **Version:** | V5.1 |
| **Document Reference:** | 621 |
| **Policy Author:** | Jennifer Lamont |
| **Designation:** | HR Business Partner |
| **Responsible Director:** | Director of Strategy and Development |
| **EIA Assessed:** | 10/08/2021 |
| **Target Audience:** | All Staff |
| **Approved By:** | Policy Review Group |
| **Approval Date:** | 06/10/2021 |
| **Ratified By:** | Policy Review Group |
| **Ratification Date:** | 06/10/2021 |
| **Review Date:** | 06/10/2024 |

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1. **Introduction**
   The Trust recognises the benefits of flexible working. Flexible working can support a good work life balance and preserve the health and wellbeing of our staff who in turn can then provide the best care they can to our patients.

   Many roles within the Trust will already involve flexible ways of working. An example is a clinician who visits patients in the community, attends team meetings at their base and updates patient notes whilst working from home.

   Other roles may be limited in where work is undertaken (e.g. Inpatient settings) however there are opportunities to increase flexibility in other ways such as the days worked or number of hours worked.

   All staff can apply for flexible working at any time and we also welcome requests made by potential employees during the recruitment process.

2. **Purpose**
   This policy provides guidance on how flexible working can be implemented.

3. **Definitions**
   **3.1 Flexible working**
   A type of working arrangement which gives a degree of flexibility on how long, where, when and at what times employees work.

   **3.2 Agile Working**
   Where staff can work flexibly from any location, whether it is from a Trust building, in the community, from home or any combination of these. (The Trust key principles for Agile Working are outlined in Appendix 2)

   **3.3 Part-time**
   Working less than the normal full-time hours

   **3.4 Flexi-time**
   Varying the times when work is undertaken within certain limits such as agreed period of core hours.

   **3.5 Compressed Hours**
   Reallocation of work so it is undertaken in fewer, longer blocks of time.

   **3.6 Staggered Hours** - different starting, break and finishing times for employees in the same workplace.

**3.7**     **Job Sharing**
Sharing a job role between more than one person

**3.8**     **Term Time Working**
The member of staff remains on a permanent contract but can take paid/unpaid leave during school holidays

**3.9**     **Working Carer's Passport**
A Carer Passport in employment is a conversation about the flexibility needed to combine work and care.

**3.10**    **Hot Desk**
A designated workspace which is available for any member of staff to use at any time.

**4.**     **Duties / Responsibilities**

**4.1**     **Chief Executive**
The Chief Executive has overall responsibility for the Trust's Flexible Working Policy. Operational responsibility is delegated to the Director of Strategy and Development.

**4.2**     **Director of Strategy and Development**
The Director of Strategy and Development has lead responsibility for Human Resources (HR), including the Flexible Working Policy.

**4.3**     **Line Manager**
Consider flexible working applications with reference to this policy
- Arrange flexible working application meetings (where required)
- Compose and send letters (where required)
- Update ESR Manager Self Service (MSS) where changes to working hours are agreed.

**4.4**     **Human Resources**
Provide support and advice regarding this policy attending flexible working application meetings where required.

**4.5**     **Staff**
Adhere to this policy when applying for flexible working.

**4.6**     **Heads of Service or equivalent**
Arrange and hear appeals against outcomes of flexible working applications.

**5. Process**

Staff who want or need to work in a more flexible way can apply for flexible working.

**5.1 Applying for Flexible Working**

Flexible working applications should be made in writing by using the Flexible Working Application Form which can be found on the intranet in the Flexible Working Toolkit.

Job applicants will be given the opportunity to apply for flexible working at the job offer stage of their recruitment.

Managers must ensure that flexible working applications are considered in a reasonable manner and within maximum time frame of three months.

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt. Any extension to this time frame must be mutually agreed with the member of staff and confirmed in writing.

Particular consideration should be given to members of staff who have caring responsibilities and they should be encouraged to refer to the Trust Working Carers Passport Toolkit.

The flow chart in Appendix 1 shows the potential outcomes of an application for flexible working.

**5.2 Initial review of the Application**

When a manager receives a flexible working application form, they must determine whether the proposed arrangements are feasible by considering the following:

**5.2.1 Compatibility with role**

Can the role and associated tasks be undertaken effectively:

a) In the number of weekly hours requested? (e.g. 25 hours per week)
b) In the time periods or shifts requested (e.g. 8am – 2pm)
c) In the locations requested (e.g. working from home)
d) When shared between more than one person? (Where a job share arrangement is requested)

### 5.2.2  Impact on the service

Will the proposed arrangements result in:

a)  Additional costs? If so, can these be funded? (e.g. equipment required for home working)
b)  Unassigned hours? If so, can they be recruited to or reallocated to other team members?
c)  A detrimental impact on the service (e.g. fewer staff on shift to respond to patient needs)

### 5.2.3  Outcome of initial review

### 5.3  Arrangements are feasible

Where the manager deems the arrangements feasible, they can accept the application.

Managers should endeavour to agree to flexible working requests wherever possible, particular consideration should be given to requests made for childcare reasons and staff who have a Working Carer's passport to ensure that these staff are not placed at a disadvantage.

Managers should confirm the outcome as 'accepted' both verbally and in writing to the member of staff (using the letter template in the Flexible Working Toolkit which can be found on the intranet) within 10 working days of receiving the application.

A copy of the letter/email should be kept in the member of staff's personal file for future reference.

The manager and member of staff can then implement the new arrangements. Further guidance on how to implement agile working can be found in the Agile Working toolkit on the intranet.

### 5.4  Arrangements are not feasible or more information is required

Where arrangements are not deemed feasible or there is a need for further discussion before an outcome can be reached.

In these circumstances the manager should arrange for a Flexible Working Application Meeting to take place (giving at least 5 working days' notice) using the letter template in the Flexible Working toolkit which can be found on the intranet.

**Flexible Working Application Meeting**

The member of staff can be accompanied at the meeting by a colleague or Trade Union Representative.

A member of Human Resources will also attend the meeting to provide advice on policy and procedure.

During the meeting the arrangements detailed in the Flexible Working Application form will be discussed and any potential adaptions explored which may allow it to be implemented.

It may be appropriate to arrange a trial of the working arrangements. This will enable the manager and the employee to identify any issues with the arrangement and facilitate the decision-making process.

The Flexible Working Application Meeting should be adjourned and then reconvened after the trial is complete to determine it's success.

**Outcome of Flexible Working Application Meeting**

Once the final decision has been made, the manager should write to the employee as soon as possible following the meeting within 10 working days confirming either that:

• The request has been approved including details of the arrangements using the letter template Flexible Working Toolkit

• The request has been rejected with an explanation why, detailing the justifiable services' reasons for the decision and give the employee the right to appeal against the outcome.

**5.5 Justifiable Services' Reasons for rejection**

When a request has not been approved, there needs to be a justifiable services' reason for this decision. Full details of this reason should be given to the employee. Examples of justifiable reasons are listed below:

• The burden of any additional costs is unacceptable to the organisation.
• An inability to reorganise work among existing staff.
• Inability to recruit additional staff.
• The change will have a detrimental impact on quality.
• The change would have a detrimental effect on the services' ability to meet patient needs.
• Detrimental impact on performance.

- There is insufficient work during the periods the employee proposes to work.
- Planned structural changes, for example, where the manager intends to reorganise or change the service and considers the flexible working changes may not fit with these plans.

## 5.6 Appeal

**5.6.1** Members of staff can appeal against the outcome of their flexible working application.

Valid grounds for appeal are as follows:

- Failure to follow policy
- Belief that the decision reached was not reasonable in all circumstances
- New information or data coming to light which should be considered

**5.6.2** Appeals should be made in writing to the Head of Service or equivalent who will then arrange the appeal meeting.

The member of staff should be given 5 working days' notice of the hearing and will be entitled to be accompanied by a work colleague or trade union representative.

A member of Human Resources will attend the hearing to provide advice on policy and procedure.

The Head of Service or equivalent must confirm the outcome of the appeal in writing 10 working days of the meeting.

## 5.7 Review of Flexible Working Arrangements

Flexible working arrangements should be reviewed on an ongoing basis (a good opportunity to do this is during monthly supervision sessions) to ensure that they are still of benefit to the member of staff and can be supported by the service.

Any changes made should be subject to full consultation between the manager and employee and implemented from an agreed date.

In the event of a restructure or other organisational change in a service, it cannot be assumed that existing flexible working arrangements will continue, however, managers will try to accommodate requests where possible in line with this policy.

**5.8 Withdrawal of Application**
The Trust may consider an application for flexible working withdrawn where the employee:

- Withdraws the application.
- Doesn't attend two meetings arranged in respect of the first meeting or the appeal meeting without reasonable cause.
- Unreasonably refuses to supply the Trust the necessary information required to make a decision.

## 6. Consultation

This policy has been developed in consultation with Staff Side, HR Policy Group and Trust staff via the intranet.

## 7. Implementation

Managers are responsible for ensuring that this policy is implemented into working practice within their areas.

## 8. Training and Support

There are no training requirements needed in order to implement this policy. Further information and guidance is available in the Flexible Working Toolkit which can be found on the Trust Intranet site.

## 9. Review

This policy will be reviewed by the Policy Author at least 3 yearly or earlier if there are changes to legislation or national/local requirements or organisational change.

**10.    Monitoring Compliance**

| Aspect of compliance or effectiveness being monitored | Monitoring method | Individual department responsible for the monitoring | Frequency of the monitoring activity | Group / committee which will receive the findings / monitoring report | Group / committee / individual responsible for ensuring that the actions are completed |
|---|---|---|---|---|---|
| Flexible Working applications are being considered appropriately. | Review of flexible working applications (via HR audit programme and participation in Flexible working Meetings) | Human Resources | ongoing | N/A | N/A |

**11.    References**
- CIPD (April 2021)  Fact Sheet – Flexible Working Practices
- The Work and Families Act 2006
- Employment Rights Act 1998
- ACAS Code of Practice on Handling in a reasonable manner requests to work flexibly
- NHS Employers (June 2021) Flexible Working in the NHS
- NHS terms and conditions of service handbook

**12.    Trust Associated Documents**
- Grievance Policy
- Sickness Policy
- Flexible Working toolkit
- Agile Working toolkit

### 13. Version Control

| Version | Date | Author (name and designation) | Status (Draft/Approved) | Comments |
|---------|------|-------------------------------|-------------------------|----------|
| V1.0 | June 2008 | HR Department | Approved | |
| V2.0 | January 2012 | Andrea Gay Family Care Coordinator | Draft | Reviewed as part of policy harmonisation. Flexible Working Policy and Annualised Hours Policy merged into one Policy. |
| V2.1 | March 2012 | Andrea Gay Family Care Co-ordinator | Draft | |
| V2.2 | 16/05/2012 | Rena Reeves, Human Resources Manager | Draft | Amended section 5.8 following PRG.  Back to JNCC. |
| V2.3 | 6/10/2014 | Marinder Sangra, Human Resources Manager | Draft | Amended Policy in line with new legislation and ACAS code of practice on handling in a reasonable manner requests to work flexibly |
| V3 | 25/02/2015 | Marinder Sangra, Human Resources Manager | Draft | Reviewed as policy due to expire and Policy Review Group amendments. |
| V3.1 | 30/03/2015 | Marinder Sangra HR Manager | Approved | Policy Review Group amendments. |
| V3.2 | 14/01/2016 | Marinder Sangra HR Manager | Draft | Minor amendments made to section 3.1.3, 3.6 and 11.  Appendix 1 (Agenda for Change – Annual Attendance Hours Calculation) removed and a link added to section 11. |

| V3.3 | 04/02/2016 | Nicola Corbett Head of Registration and Compliance | Approved | Minor amendments made to sections 3.1.3, 3.6, 3.11 and Appendix 1. |
|------|------------|-----------------------------------------------------|----------|------------------------------------------------------------------------|
| V4 | 04/05/2018 | Manmohan Anand HR Business Partner | | Reviewed as policy due to expire. |
| V4.1 | 12/06/2018 | Manmohan Anand HR Business Partner | | Amended following comments received during the consultation period. |
| 4.2 | 19/07/2018 | Manmohan Anand HR Business Partner | | Amended following discussion at HR/Staffside meeting. |
| 4.3 | 22/04/2020 | Manmohan Anand HR Business Partner | Draft | Reviewed as Trust no longer offer an Annualised Hours contract. |
| 4.3 | 23/04/2020 | Emma Robinson Policy Co-ordinator | Approved | Minor amendments accepted. |
| 5.0 | 28/07/2021 | Jennifer Lamont | Draft | Full review to reflect NHS People Plan |
| 5.1 | 20/09/2021 | Jennifer Lamont HR Business Partner | Approved | Amended following comments received during the consultation period. |

### 14. Equality Impact Assessment

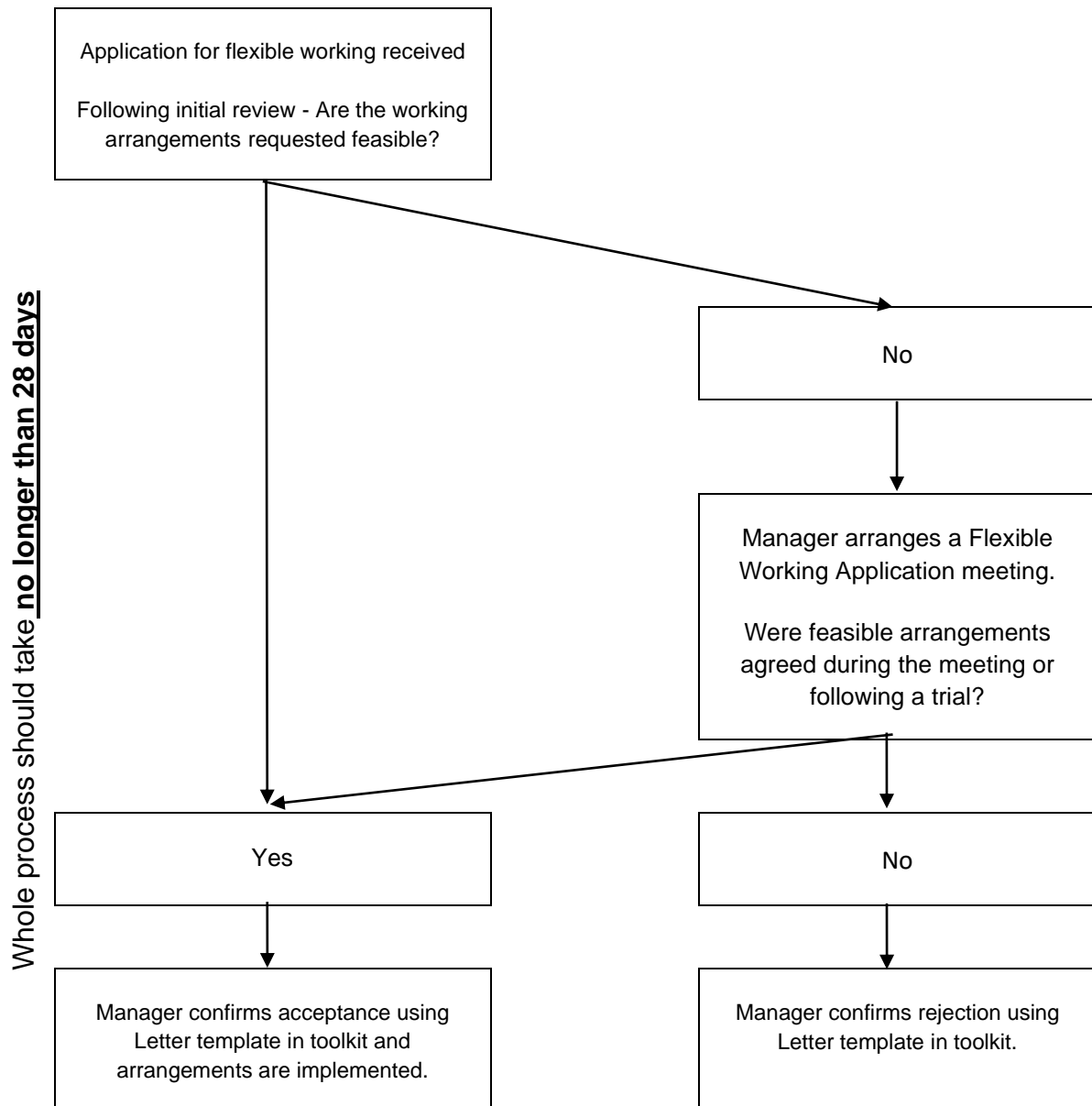| DOCUMENT/ PROJECT NAME: Flexible Working Policy | | |
|---|---|---|
| | **Yes / No** | **Comments** |
| **1.** **Does the document affect one group less or more favourably than another on the basis of: -** | | |
| Race | No | |
| Religion or Belief | No | |
| Gender reassignment | No | |
| Sex | No | |
| Sexual Orientation | No | |
| Age | No | |
| Disability (learning disabilities, physical disability, sensory impairment and mental health problems) | No | |
| Marriage and civil partnership | No | |
| Pregnancy and maternity | No | |
| **2.** **Is there any evidence that some groups are affected differently?** | No | |
| **3.** **If you have identified potential discrimination are there any expectations valid, legal and / or justifiable?** | N/A | |
| **4.** **Is the impact of the document / guidance likely to be negative?** | N/A | |
| **5.** **If so, can the impact be avoided?** | N/A | |
| **6.** **What alternative is there to achieving the document / guidance without the impact?** | N/A | |
| **7.** **Can we reduce the impact by taking different actions?** | N/A | |
| **8.** **Who has consultation taken place with?** | HR, Staffside, all staff via the Intranet | |
| **9.** **EIA Team:** Names and designations of the 3 people who contributed to this assessment | 1. **Jennifer Lamont HR Business Partner** 2. **Heather Scott – HR Administration support** 3. **Ruth Dunckley – HR Administration support** | |
| **10.** **Head of Equality and Diversity** | **Rano Bains** | |
| **11.** **Date of the Assessment: (dd/mm/yyyy)** | **10/08/2021** | |

If you have identified a potential discriminatory impact on this procedural document, please refer it to the author of the policy or strategy, together with any suggestions as to the action required to avoid / reduce this impact.  For advice in respect of answering the above questions, please refer to the guidance notes**. If the document affects one group less or more favourably, you <u>MUST</u> complete the full EIA form (i.e. if you have answered 'Yes' to any of the above).** The full EIA form can be obtained from the Equality and Diversity Department/website.

This policy, strategy, procedure or function has to go to the Head of Equality and Diversity for final sign off.
**Please return a copy to the Equality and Diversity Department: rano.bains@covwarkpt.nhs.uk**

## Appendix 1

**Flexible Working Flowchart**

Whole process should take **no longer than 28 days**

```
Application for flexible working received

Following initial review - Are the working
arrangements requested feasible?
```

```
No
```

```
Manager arranges a Flexible
Working Application meeting.

Were feasible arrangements
agreed during the meeting or
following a trial?
```

```
Yes
```

```
No
```

```
Manager confirms acceptance using
Letter template in toolkit and
arrangements are implemented.
```

```
Manager confirms rejection using
Letter template in toolkit.
```

**Appendix 2**

## Key Principles of Agile Working

| Principle | What this Means | How we support this |
|---|---|---|
| Clear expectations | Agreed objectives which ensure staff know what they need to do. | Job description<br>Supervision<br>Appraisals |
| Empowerment | Staff are able to decide how, where and when they undertake their work. A focus on outputs and performance and not on location or timings. | Agile Working toolkit |
| Effective communication | Regular, meaningful communication between staff, their manager, colleagues and other internal and external contacts. | IT software to allow virtual communications<br>Access to bookable meeting rooms to enable face to face meetings |
| Wellbeing | Ensure agile working behaviours support physical and mental wellbeing. Encouraging staff to have boundaries between work and home lives. | Risk assessments<br>Lone worker protocols<br>Support offers to promote physical and Mental wellbeing<br>Agile Working toolkit |
| Right tools and equipment | Provision of IT equipment needed such as Phone, laptop and associated software and access to systems. | |
| Appropriate travelling | Only travel to a location where the assigned task cannot or should not be undertaken via virtual methods. | Travel expenses reimbursed<br>Lease car scheme<br>Bookable hot desk space<br>Bookable meeting rooms |
| Information security | Maintaining confidentiality at all times, avoiding conversations in public spaces, protecting confidential documentation. | Access to secure storage |
| Visibility | Agreed working patterns so people know how and when they can make contact. | Trust wide shared Outlook calendars |

More information on how to make the most of agile working can be found in the Agile Working Toolkit on the Trust intranet