

Flexible Working Policy

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Status	LIVE		
Target Audience- who does the document apply to and <u>who should be using it.</u> - The target audience has the responsibility to ensure their compliance with this document by:	All employees directly employed by the Trust whether permanent, part-time or temporary (including fixed-term contract).		
	<ul style="list-style-type: none"> Ensuring any training required is attended and kept up to date. Ensuring any competencies required are maintained. Co-operating with the development and implementation of policies as part of their normal duties and responsibilities. 		
Special Cases	Advise any cases where this document does not apply.		
Accountable Director	Director of Human Resources (HR)		
Author/originator – Any Comments on this document should be addressed to the author	HR Advisor		
Division and Department	Corporate, Human Resources		
Implementation Lead	HR Advisor		
If developed in partnership with another agency ratification details of the relevant agency			
Regulatory Position			
Review period. This document will be fully reviewed every three years in accordance with the Trust's agreed process for reviewing Trust -wide documents. Changes in practice, to statutory requirements, revised professional or clinical standards and/or local/national directives are to be made as and when the change is identified.			

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1 Introduction & Purpose

1.1 Introduction & Purpose

Great Western Hospitals NHS Foundation Trust (the Trust) is committed to supporting its employees in maintaining a work/life balance, through encouraging employees to consider their working arrangements.

This policy provides a framework for guidance in managing a flexible working request as well as providing employees with a clear process with which to progress a flexible working enquiry. Any templates referenced in this policy are available on the Human Resources (HR) intranet page under the Flexible Working Toolkit (Ref 10).

This document is to clarify the flexible working requirements of the Trust, monitoring and management processes to meet the Children’s and Families Act 2014 (Ref 4) and the Flexible Working Regulations 2014 (Ref 12).

1.2 Glossary/Definitions

The following terms and acronyms are used within the document:

ACAS	Advisory, Conciliation, and Arbitration
Application Meeting	A meeting with the employees line manager to discuss and review a flexible working request once Appendix B has been received
EPF	Employee Partnership Forum
HR	Human Resources
NHS	National Health Service

2 Main Document Requirements

The Trust wishes to support its employees in maintaining a work/life balance, through encouraging employees to consider their working arrangements to ensure they meet the needs of the service along with their own personal needs to ensure good attendance at work.

Employees should ensure that they adhere to the requirements outlined in this policy for requesting flexible working, and line managers should consider each request for flexible working fairly and objectively taking into account the needs of the service.

If an employee feels their line manager did not consider their request fairly or objectively, they may raise this informally in the first instance with their next in line manager as soon as possible. An employee has the right to appeal a decision in writing as per section 2.11.

Any breach of this policy that may be considered fraudulent will be reported to the Local Counter Fraud Specialist (See Ref 3 – Fraud and Corruption Policy) for investigation, and may result in criminal and/or disciplinary proceedings being commenced. Any upheld allegation of fraud in relation to this policy may result in dismissal with or without notice.

2.1 Flexible Working Options

The Trust offers a variety of flexible working options which are outlined below. This list is not exhaustive and employees may discuss any options with their manager.

2.2 Reduction/Increase in Hours

The number of hours that an employee is contracted to work is altered to either increase (up to the maximum of 37.5 hours for agenda for change or 40 hours for medical employees) or decrease the number of hours worked each week.

2.3 Term Time Working

Term-time working arrangements enable employees with school age children to work for 39 weeks per year (school terms). Please refer to the Flexible Working Toolkit (Ref 10) for further guidance.

2.4 Annualised Hours

Annualised hours arrangements allow flexibility to vary the number of hours worked, in line with the needs of the organisation, whilst continuing to be paid the same salary each month. The actual number of hours to be worked per annum is predetermined at the start of each year. Please refer to the Flexible Working Toolkit (Ref 10) for further guidance.

2.5 Job Pair

Job pairing is a form of part-time working where two people are paired to share the responsibility for a full-time job. Job pairs may work split days, split weeks, or alternate weeks. This differs from part time work, in that between them the job pair partners are expected to provide a seamless and continuous level of service. Employees who job pair are only paid for the hours they work.

Should one of the job pair partners indicate their desire to leave the role, the remaining 'partner' will meet formally with their manager to discuss the options, which may include consider increasing their hours to cover the role. Should other considerations not cover the role; the role will be advertised as a job pair. If after two attempts of advertising the role, a new partner cannot be found and a review of the operational needs for the department show the need for full time cover, then recruitment for a full time employee will be initiated. The Trust will support the existing partner through redeployment to a suitable alternative role within the Trust.

2.6 Working from Home

The Trust accepts that most of the work undertaken requires employees to be present on the site for the duration of their working hours. On occasion working from home can be beneficial, both to the individual and the service. Please refer to the Remote Working – Including Home Working Policy (Ref 5) for further guidance.

2.7 Compressed Hours

2.7.1 Administration and Clerical

Compressed hours arrangements enable employees to work their full time hours, but over fewer days:

For example, an employee working 37 ½ hours per week may request to remain working full time but only work 9 days in a fortnight instead of 10. Hence the 37 ½ x 2 hours will be divided by 9 (75 hours /9 days = 8.20 hours per day) resulting in 8 hours 20 minutes of work per day. Employees working compressed hours are paid on the basis of 12 equal monthly instalments.

2.7.2 Clinical Areas

If an employee works more than a standard day (as per section above) they will need to undertake a risk assessment with their manager.

The Trust does not support employees working excessive hours unless there is a clinical requirement or as a result of emergency requirements. The length of a shift may be reviewed as a reasonable adjustment if the employee has a health condition or issues with their attendance at work.

2.8 Application Process for Applying For Flexible Working

The Trust is committed to ensuring that all employees are treated fairly and equitably. This policy sets out the process to ensure that all individual requests for flexible working are managed in an effective, efficient and timely manner.

2.8.1 Eligibility

All employees with 26 weeks continuous service have a legal right to request a change to their contractual terms and conditions to work flexibly. An employee can only make one request in any 12 month period unless there has been a substantial change to the service which may mean that the request could be reviewed or if the employee has a significant life-changing event.

2.8.2 Criteria when Applying

In line with legislation a flexible working request constitutes a permanent change to an employees working hours/arrangements.

A written request must be made in order to be considered for flexible working, and must include the following:

- The date of the flexible working request.
- The change to working conditions the employee is seeking, considering their current role, adjustments, the benefits to the Trust and the impact to others, and how in their opinion any effect might be dealt with.
- if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment
- When the employee would like their flexible working request to take effect.
- If and when the employee had made a previous flexible working request in the last 12 months.

2.8.3 Application Process

When an employee decides that they would like to make a flexible working request, they should complete an application form (Appendix B) and submit this to their line manager for consideration and an Application Meeting may take place.

Should an application form be submitted that is incomplete, this will be returned to the employee to review and re-submit, delaying the 28 day period for the Application Meeting.

Once a complete request has been received the manager will consider it against service requirements.

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If the manager can accommodate a flexible working request the employee will be notified in writing, usually within 14 calendar days. If the Trust is willing to grant the request then an Application Meeting may not be necessary, but it still may be useful to discuss a request to ensure that the proposal made by the employee is the best solution for both them and the service.

If the manager requires further discussion to consider a request, within 28 days of the application form being received the line manager will arrange to meet with the employee to discuss the request at an Application Meeting.

If a compromise can be reached in order to accommodate a flexible working request the employee will be notified in writing within 14 calendar days of the meeting. If a manager cannot accommodate a flexible working request or is unable to reach a compromise with the employee, they will be notified within 14 calendar days of the meeting which will include the justification for declining the request.

An Application Meeting is an informal meeting however the Trust will allow employees to bring a workplace companion, trade union representative or an official employed by a trade union and certified as being competent to accompany a worker. Should the employee wish to be accompanied at their Application Meeting then HR may also attend the meeting.

All flexible working requests, including any appeals will be considered and decided upon within three months of receipt of the complete request. This can be extended by agreement with the employee. All requests will be considered in the order that they are received. Each case will be considered on its merits taking into account the business case.

2.9 Dealing with Flexible Working Requests

The Trust will handle all flexible working requests in a reasonable manner. In doing so the following criteria will usually be taken into account when making a decision:

- The employee's role and tasks, including their frequency and duration and the effect that the requested change would have on the department and service provisions.
- If the change requested by the employee is operationally viable.
- The workflow of the role and the complexity of tasks undertaken.
- The workload of the role and whether any work can be redistributed within the department.
- The structure of the department and employees.
- The level of supervision of the post holder necessary to cover the new arrangement.
- The impact on other employee's workload of the new flexible working arrangement.
- The cost impact of any new arrangement.
- Other issues particular to the working of the department/business.

In some circumstances a line manager may decide to trial a flexible working request in order to understand and review the advantages and disadvantages of a permanent request. A trial will last no longer than six months, when a meeting will take place to confirm if the trial, and the Flexible Working request was successful and can be accommodated permanently. The employee will be notified of the outcome in writing within 14 calendar days of the end of the trial period. There is no right to a trial period.

2.10 Right to Refuse

A line manager can refuse a Flexible Working request if they consider that one or more of the following grounds apply:

- The burden of any additional costs is unacceptable to the Trust.
- The change will have a detrimental impact on quality.
- The change will have a detrimental effect on the ability to meet service needs.
- Inability to reorganise work among existing employees.
- Inability to recruit additional employees.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes where the flexible working may not fit with these plans.

(This note this list is not exhaustive)

2.11 Appeal Process

- An employee has the right to appeal against the outcome of their flexible working request. Appeals should be made in writing to the HR representative for the employees Division, no later than seven calendar days from the date of receipt of the letter confirming the outcome of the decision.
- Any appeal must explain the grounds for doing so, which must be either that there is new information that was not available at the time the original decision was made, or the employee thinks the request was not handled reasonably in line with the policy.
- An appropriate manager will be appointed to hear the appeal and the employee will be invited to attend an appeal meeting without unreasonable delay, usually within 14 calendar days. The permission to be accompanied at this meeting is outlined in Section 5.
- The appeal manager may request the original manager to attend the appeal meeting as a witness to ensure rationale of the original decision is clear.
- The employee should be informed of the appeal decision in writing and the decision of the appeal meeting will be final.

2.12 Being Accompanied

- Employees are permitted to be accompanied at an Application Meeting as outlined in this policy.
- Employees are permitted to be accompanied at an Appeal Meeting as outlined in the policy.
- Employees can chose to be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union and certified as being competent to accompany a worker. There is no right to be accompanied by a solicitor or legal representative.
- An employee can request to reschedule an informal or formal meeting once for up to seven calendar days from the original date of the meeting to allow more time for preparation and/or due to the availability of their companion.
- If the employee is unwilling or unable to attend a rescheduled meeting, the appointed manager reserves the right to reach a decision based on the information available.

3 Monitoring Compliance and Effectiveness of Implementation

The arrangements for monitoring compliance are outlined in the table below: -

Measurable policy objectives	Monitoring or audit method	Monitoring responsibility (individual, group or committee)	Frequency of monitoring	Reporting arrangements (committee or group the monitoring results is presented to)	What action will be take if gaps are identified
Monitor the levels of flexible working requests for Divisions and Departments	Monthly reporting	HR	Monthly Division meeting including 1-2-1 with Matrons and Department managers	HR reports presented to employee Partnership Forum (EPF)	Areas of concern will be raised to the Human Resource (HR) manager and Head of HR. Concerns will also be discussed in 1-2-1 with Matrons and Divisional Director.

4 Duties and Responsibilities of Individuals and Groups

4.1 Chief Executive

The Chief Executive is ultimately responsible for the implementation of this document.

4.2 Ward Managers, Matrons and Managers for Non Clinical Services

All Ward Managers, Matrons and Managers for Non Clinical Services must ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.

Managers will:

- Be a role model of the Trusts STAR values at all times.
- Consider all applications for flexible working in line with this policy.
- Ensure an approachable and open culture is promoted.
- Have open and honest discussions with employees regarding their flexible working request.
- Recognise that employees may find being managed under this policy stressful and ensure it is applied fairly with empathy, compassion and respect for individual circumstances.
- Ensure employees understand their rights under this policy.
- Ensure appropriate support is offered to employees when applying this policy.

4.3 Document Author and Document Implementation Lead

The document Author and the document Implementation Lead are responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to

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statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

4.4 Employees

Employees will;

- Be a role model of the Trusts STAR values at all times.
- Deliver patient care to a high standard raising any issues preventing this to the appropriate person in a timely manner.
- Represent the Trust appropriately and ensure that a professional approach is taken with patients and colleagues at all times.
- Proactively engage with any support identified through Occupational Health.

4.5 Occupational Health

Occupational Health will:

- Advise employees and managers on any appropriate adjustments in the workplace to support conduct including; rehabilitation, redeployment, retraining, changes to role or working pattern, in order to enable line management to make a appropriate decisions.
- Offer all employees an appointment within six working days of receipt of the referral.
- Send the employee a copy of the Occupational Health report within 48 hours of them attending their appointment with the employee's agreement the manager will also receive the report within 48 hours of the appointment.
- Offer all employees an appointment within six working days of receipt of a management referral.
- Submit to all individuals named on a referral a report within 48 hours of an appointment.
- Provide quality reports in response to all questions submitted in management referrals.

4.6 Trade Unions

For subscribing trade union members, Trade Unions will:

- Provide support and guidance to employees.
- Represent the employee.
- Work in partnership with the Trust to support an open and honest culture.
- Support the review of the effectiveness of the policy.

5 Further Reading, Consultation and Glossary

5.1 References, Further Reading and Links to Other Policies

The following is a list of other policies, procedural documents or guidance documents (internal or external) which employees should refer to for further details:

Ref. No.	Document Title	Document Location
1	Retirement Policy (Including Flexible Retirement)	T Drive
2	STAR Values	T Drive
3	Fraud and Corruption Policy	T Drive
4	Children and Families Act 2014	www.legislation.gov.uk

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Ref. No.	Document Title	Document Location
5	Remote Working – including Home Working Policy	T Drive
6	The Equality Act 2010	www.equalityhumanrights.com
7	Flexible Working Option Details Document	Intranet
8	ACAS Guidance	www.acas.org.uk
9	Overtime Policy	T Drive
10	Flexible Working Toolkit	T Drive
11	Maintaining Professional Standards Policy	T Drive
12	Flexible Working Regulations 2014	http://www.legislation.gov.uk/

5.2 Consultation Process

The following is a list of consultees in formulating this document and the date that they approved the document:


Job Title / Department	Date Consultee Agreed Document Contents
HR Advisor	01/11/2019
Assistant HR Business Partner	31/10/2019
Interim Business Partner	31/10/2019
Matron, Swindon Community	19/11/2019
Senior Sister, Planned Care	20/11/2019
Matron, Unscheduled Care	20/11/2019

6 Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed for this document and can be found at Appendix A.

Appendix A - STAGE 1: Initial Screening For Equality Impact Assessment

At this stage, the following questions need to be considered:			
1	What is the name of the policy, strategy or project? Flexible Working Policy		
2.	Briefly describe the aim of the policy, strategy, and project. What needs or duty is it designed to meet? This policy provides a framework for guidance in managing a flexible working request as well as providing employees with a clear process with which to progress a flexible working enquiry.		
3.	Is there any evidence or reason to believe that the policy, strategy or project could have an adverse or negative impact on any of the nine protected characteristics (as per Appendix A)?		No
4.	Is there evidence or other reason to believe that anyone with one or more of the nine protected characteristics have different needs and experiences that this policy is likely to assist i.e. there might be a <i>relative</i> adverse effect on other groups?		No
5.	Has prior consultation taken place with organisations or groups of persons with one or more of the nine protected characteristics of which has indicated a pre-existing problem which this policy, strategy, service redesign or project is likely to address?		No

Signed by the manager undertaking the assessment	
Date completed	04/11/2019
Job Title	HR Advisor

On completion of Stage 1 required if you have answered YES to one or more of questions 3, 4 and 5 above you need to complete a [STAGE 2 - Full Equality Impact Assessment](#)

Equality Impact Assessment

Are we Treating Everyone Equally?

Define the document. What is the document about? What outcomes are expected?

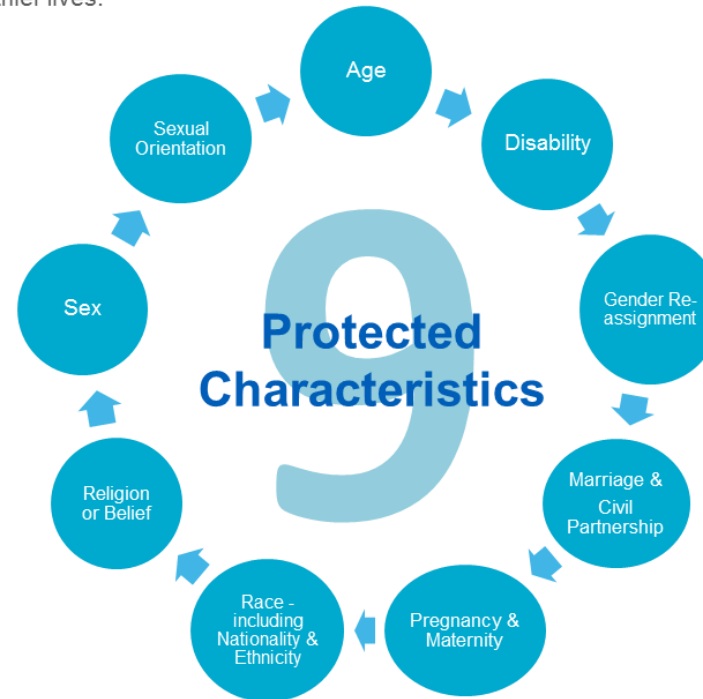
Consider if your document/proposal affects any persons (Patients, Employees, Carers, Visitors, Volunteers and Members) with protected characteristics? Back up your considerations by local or national data, service information, audits, complaints and compliments, Friends & Family Test results, Staff Survey, etc.

If an adverse impact is identified what can be done to change this? Are there any barriers? Focus on outcomes and improvements. Plan and create actions that will mitigate against any identified inequalities.

If the document upon assessment is identified as having a positive impact, how can this be shared to maximise the benefits universally?

Our Vision

Working together with our partners in health and social care, we will deliver accessible, personalised and integrated services for local people whether at home, in the community or in hospital empowering people to lead independent and healthier lives.



Trust Equality and Diversity Objectives

Better health outcomes for all	Improved patient access & experience	Empowered engaged & included staff	Inclusive leadership at all levels
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Appendix B - Flexible Working Application Form

Have you made an application for Flexible working in the last 12 months for the same request?

Yes No (Please tick)

Are you making this request under the Equality Act 2010, please indicate:

Yes No (Please tick)

Name:		Job Title:	
Start Date with Trust:		Department/Team:	

Describe your current working pattern in detail:

Hours:	
Days of the week worked:	
Shifts (Please state):	

Reason for requesting Flexible Working:

Reason:	
----------------	--

State type of flexible working option requested:

	Tick required	Details
Term-time Hours		
Reduced Hours Term-time		
Flexitime		
Job Share		
Increase/Decrease in hours		
Change of Days		
Term Time Contract		
Home Working		
Other		

If the department is unable to support your request, would you like to discuss any alternative arrangements with your line manager?

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Yes No (Please tick)

Employee Signature.....

Date employee submitted:.....

Date Line Manager received request:.....

Line Managers signature.....

Outcome Section (to be completed by line manager)

Managers decision (please tick to state one of the outcomes below);

Please note- all flexible working requests are a permanent arrangement unless stipulated that a trial of a maximum of six months is being implemented

- [] Application has not been successful
- [] Request has been accepted subject to certain amendments as outlined below
- [] Request for a flexible working pattern/flexible retirement has been reviewed and accepted

Comments:

Signatures:

Manager Signature	Signature: Date: --/--/----
I confirm that this flexible working request has been discussed with me and I agree to the adjustments to my working arrangements Employee Signature	Signature: Date: --/--/----

Manager's checklist

- [] Outcome Letter

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- [] Informed Roster Team
- [] COA (*if applicable*)
- [] Store copy on employees file

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