

## TRUST GUIDELINE - FLEXIBLE WORKING

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### FOR USE BY:

**This Guideline is to be followed by all staff of Gloucestershire Hospitals NHS Trust and Gloucestershire Managed Services**

### FAST FIND:

This document works in conjunction with the following:

- [Retirement Procedure](#)
- [Leave Policy](#)
- [Career Break procedure](#)
- [Home Working procedure](#)
- To look up template letters please see [Manager's Toolkit](#)
- For process see [flow-chart](#)

## 1. INTRODUCTION / RATIONALE

The Trust values its staff for their contribution and commitment to the NHS, irrespective of their working hours or work pattern. The Trust recognises that effective practices to promote work / life balance will benefit the organisation and its employees and supports managers and staff in taking joint responsibility for the challenging demands of providing a 24/7 service.

Flexible working allows employees to balance their working commitments with home and family commitments and outside interests. This document outlines the framework for managing flexible working issues in a fair and consistent way. It provides advice for managers and employees on the range of options available.

Employees with flexible working arrangements will have access to standard terms and conditions of employment on an equal or pro-rata basis, unless different treatment can be justified for operational reasons.

## 2. DEFINITIONS

Word/Term	Descriptor
Part time hours	Any number of hours that are less than the full-time contract hours for that post (usually 37.5 hours for Agenda for Change contracts)

## 3. ROLES AND RESPONSIBILITIES

Post/Group	Details
Trust Board	<ul style="list-style-type: none"> <li>• Ensuring that the Trust applies the principles and values of this policy</li> <li>• Overseeing the development and promotion of a culture that is supportive of the benefits of flexible working</li> </ul>
Deputy Chief Executive and Director of People	<ul style="list-style-type: none"> <li>• Review and maintenance of this document</li> <li>• Ensuring that the Trust's practices are consistent with legislative requirements and</li> </ul>

Post/Group	Details
	best practice
<b>Managers</b>	<ul style="list-style-type: none"> <li>Ensuring services are appropriately provided within their area</li> <li>Ensuring staff have the opportunity to maintain and appropriate work-life balance</li> <li>Considering requests for flexible working and managing these fairly and consistently</li> <li>Considering requests for flexible working as a reasonable adjustment under the 2010 Equalities Act</li> <li>Taking advice from HR before turning down any request for flexible working</li> <li>Utilising the template letters in the <a href="#">Manager's Toolkit</a> as appropriate</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>Making requests for flexible working under these guidelines</li> <li>Ensuring that they are aware of the effects that flexible working will have on their pay and pension</li> </ul>

#### 4. FLEXIBLE WORKING – LEGAL REQUIREMENTS

The legal basis for flexible working is as follows:

- Employees have a right to **ask** for flexible working when they have worked for their employer for a minimum of **26 weeks\***
- Employers must **consider** requests for flexible working in a reasonable manner (but there is not a requirement to grant all requests for flexible working)
- Managers must be able to **justify** why they have refused a request for flexible working, as if it is not justifiable, it may be illegal
- Employees have a right to appeal if a request for flexible working is turned down
- Only 1 request for flexible working may be made in a 12-month period

\*The qualifying period may be varied in exceptional circumstances at the Trust's discretion

#### 5. FLEXIBLE WORKING PATTERNS

The following flexible working options are available:

<b>Part time hours</b>	<ul style="list-style-type: none"> <li>May be agreed on a temporary or permanent basis</li> <li>Part time hours will result in a pro-rata reduction in salary, annual leave and other benefits, including pension. <b>Employees are encouraged to seek advice on the financial effects of part-time working</b></li> </ul>
<b>Job share</b>	<ul style="list-style-type: none"> <li>Two (or more) employees share the hours, duties, responsibilities and status of one post.</li> </ul>
<b>Flexi-time</b>	<ul style="list-style-type: none"> <li>Working times may vary within certain fixed limits – start and finish times may be varied to suit domestic responsibilities, travel arrangements or for other work-related reasons</li> <li>Debit or credit hours build up within specified limits (usually a maximum of one day per month unless special arrangements have been made) and either work back the time or take time off in lieu</li> <li>Core working hours must be agreed between the employee(s) and their line manager</li> <li>Flexi-time schemes may be formal or informal, and may apply to individuals or entire departments depending on service needs</li> <li>Agenda for Change Part 2, Section 3, Paragraph 3.5 (payment for time owing) will apply where an employee cannot take time owing within three months</li> <li>Employees Band 8A and above are not entitled to accrue time owing</li> </ul>
<b>9 day fortnight</b>	<ul style="list-style-type: none"> <li>Hours per fortnight are divided over 9 days instead of 10, with one extra rest day per fortnight</li> <li>Must be agreed between employee and line manager, not imposed</li> <li>May apply to individuals or entire departments depending on service needs and may be temporary or permanent</li> <li>Ensure annual leave is re-calculated; may need to be worked out in hours rather than days</li> </ul>
<b>Annualised hours</b>	<ul style="list-style-type: none"> <li>Contract hours may be defined annually or seasonally</li> <li>Working hours may suit individual needs or the needs of the service</li> <li>The Working Time Regulations must be complied with</li> <li>Staff are usually paid monthly with their annual salary being divided equally over 12 months</li> <li>Ensure annual leave entitlement is calculated in hours</li> </ul>
<b>Term-time only contracts</b>	<ul style="list-style-type: none"> <li>Employee works during school term times only and is entitled to unpaid leave during school holidays</li> <li>The employee is usually required to take some or all of their paid holiday</li> </ul>

	<p>entitlement during school holidays and not during term time – this must be agreed on an individual basis</p> <ul style="list-style-type: none"> <li>• Term-time contracts are agreed on a 39-week year, with agreement on how much unpaid leave will be required</li> <li>• Staff are paid monthly with their annual salary divided equally over 12 months</li> </ul>
<b>Team-based self-rostering</b>	<ul style="list-style-type: none"> <li>• Team based rostering may be adopted with a locally agreed system</li> <li>• A nominated individual will co-ordinate staff requests</li> <li>• Advice is available from HR</li> </ul>
<b>Special leave</b>	<ul style="list-style-type: none"> <li>• See the <a href="#">Leave Policy</a></li> </ul>
<b>Home working</b>	<ul style="list-style-type: none"> <li>• See the <a href="#">Home Working Procedure</a></li> </ul>
<b>Development opportunities</b>	<ul style="list-style-type: none"> <li>• See the <a href="#">Career Break Procedure</a> and <a href="#">Secondment Procedure</a></li> </ul>
<b>Flexible use of annual leave</b>	<ul style="list-style-type: none"> <li>• See the <a href="#">Leave Policy</a></li> </ul>

**Note: All local schemes must be discussed and agreed between employees and line manager**

## 7. FLEXIBLE WORKING REQUESTS PROCESS

### 7.1 In all Cases

- Requests may be initiated by an individual, a group of staff or by managers.
- All jobs must be considered for flexible working
- Managers must consider the impact of flexible working on the provision of their service and other members of the team
- Employees are entitled to seek advice from HR or a trade union representative at any stage in the process
- Flexible working must be by agreement; it cannot be imposed; group requests for flexible working must be discussed and agreed by all those involved
- HR must be informed if a flexible working request has contractual implications, e.g. reducing/increasing hours, or term-time/annualised hours contracts
- Reasonable requests for flexible working must not be denied

### 7.2 Requests from Employees

- Employees must make their initial request to their immediate line manager, and then confirm this in writing, giving their reasons for requesting flexible working. Employees can access an application form for Flexible Working here [Flexible Working Request Form](#). Employees must ensure they are aware of the effect(s) on the service their request is likely to have
- Managers are responsible for discussing the request with the employee(s) and confirming any agreement or refusal in writing. Template letters can be accessed here via the [Manager's Toolkit](#).
- If the request is granted, review arrangements must be discussed with the employee(s)

### 7.3 Requests from Managers

- Managers must consult with employees if making a request for staff to work flexibly to manage service needs
- Managers must seek advice from HR to ensure that change management processes are followed, particularly if there are any salary protection issues (see the [Organisational Change Policy](#))
- Review arrangements must be discussed as part of the implementation process
- Flexible working arrangements may be implemented on the basis of mutual agreement with the group of employees and the line manager

### 7.4 Refusing Requests for Flexible Working

If a manager is unable to agree a request for flexible working from an individual or group of employees, they must take the following actions:

- Seek advice from HR before giving a formal response
- Respond in writing within 28 days, giving clear reasons for the refusal

## 7.5 Appealing Against the Decision

- It will not be possible to agree a new working pattern in every circumstance. In this situation the reasoning why the request cannot be accepted should be made clear to the staff member. However, there may be circumstances where there is new information that was not available to the manager at the time the original decision was made or when the staff member believes the request was not handled reasonably in line with the policy.
- Staff members have **14 calendar days** to appeal in writing from the date of notification of the original decision. The appeal should be made in writing to the next most senior manager detailing the reasons for appeal.
- If an appeal is made, the manager must arrange an appeal meeting to take place within **28 calendar days** of receiving notice of the appeal.
- Staff members may be represented at the meeting by a trade union or professional body representative or a work colleague employed by the Trust (who should not be a family member). The representative or colleague can address the meeting or confer with the applicant but is not allowed to answer questions on their behalf.
- The manager hearing the appeal must inform the staff member of the outcome of the appeal in writing within **14 calendar days** of the date of the meeting.
- A written notice of the appeal outcome constitutes the Trust's final decision and is effectively the end of the formal flexible working procedure within the workplace.
- The above timescales will be adhered to where possible. Where this is not possible then any delays must be discussed with the member of staff to keep them informed of the progress of their appeal.

## 8. REVIEW OF FLEXIBLE WORKING ARRANGEMENTS

Managers are reminded that it is best practice to regularly review the flexible working arrangements within their own department, to ensure that arrangements are adjusted when staff circumstances change, and also that other members of the team are not unfairly deprived of the opportunity to work flexibly. A formal review should be conducted no later than 12 months from when the flexible working request is approved.

Reviews should include the following:

- Arrangements currently in place
- Whether or not individual circumstances have changed
- Whether other staff have flexible working requirements that need to be prioritised (i.e. children under 6 years of age, or any disabled child under 18)
- Service provision requirements

## 9. TRAINING

Line managers are expected to have an awareness of this procedure.

## 10. MONITORING OF COMPLIANCE

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?	YES
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Monitoring requirements and methodology	Frequency	Further actions
• HR to monitor types of flexible working arrangements in use across the Trust	Ongoing	• For discussion with Staff Side Committee
• Exception monitoring of appeals and	Ongoing	• For review by HR team, with

grievances related to flexible working		suggestions for review of process to be passed to the HR Policy Group
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## FLEXIBLE WORKING GUIDELINE

<b>DOCUMENT PROFILE</b>	
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CONSULTEES	HR Policy Group, Staff Side Committee, HR team, 100 Leaders
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KEYWORDS	Flexible working, Leave, Working from Home
RELATED TRUST DOCUMENTS	<a href="#">Manager's Toolkit</a> <a href="#">Process Flow-Chart</a> <a href="#">Flexible Working Request Form</a>
OTHER RELEVANT DOCUMENTS	<a href="#">Leave Policy</a> , <a href="#">Grievance and Disputes Policy</a> , <a href="#">Career Break procedure</a> , <a href="#">Working From Home Procedure</a>
EXTERNAL COMPLIANCE STANDARDS AND/OR LEGISLATION	<ul style="list-style-type: none"> <li>• Employment Act 2002</li> <li>• Flexible Working Regulations 2014</li> </ul>