

TRUST POLICY

In the case of hard copies of this policy the content can only be assured to be accurate on the date of issue marked on the document.

The Policy framework requires that the policy is fully reviewed on the date shown, but it is also possible that significant changes may have occurred in the meantime.

The most up to date policy will always be available on the Intranet Policy web site and staff are reminded that assurance that the most up to date policy is being used can only be achieved by reference to the Policy web site.

Flexible Working Policy

This document may be made available to the public and persons outside of the Trust as part of the Trust's compliance with the Freedom of Information Act 2000

Date of Issue: Updated January 2008

Review Date: January 2011



Gloucestershire Hospitals

NHS Foundation Trust

TRUST POLICIES

Authorisation Form

**DOCUMENT:
POLICY FRAMEWORK**

We the author/sponsor confirm that we have taken into consideration that this policy either does not involve or impact on; (Please place an X in a,b and c, or in 2, if this applies)

- 1a Eliminating racial discrimination
1b Promoting equality of opportunity
1c promoting good race relations

or where it does impact

2. An Equality & Diversity assessment form has been completed.

Authorisation	Name and Position	Date Approved
Responsible Authors	Julia Brough Head of Human Resources	November 2007
Policy Sponsor	Graham Shaw Human Resources Director	November 2007

Consideration at authorised groups (e.g. Board, Board sub committees, Policy Group, Clinical policies Sub Group, Departmental meetings etc)

Name of Group	Minute details	Date considered
Human Resources Director and Joint Staff Side Committee Chairs	December 2007	December 2007

Equality Impact Assessment

Initial Screening

<p>1. Policy: Flexible Working Policy Lead (e.g. Director, Manager, Clinician): Director of HR</p>																															
<p>2. Person responsible for the assessment: Name: Julia Brough Job Title: Head of HR</p>																															
<p>3. Is this a new or existing policy, service strategy , procedure or function?</p> <p style="text-align: center;"> <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing </p>																															
<p>4. Who is the policy/service strategy ,procedure or function aimed at?</p> <p> <input type="checkbox"/> Patients <input type="checkbox"/> Carers <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Visitors </p> <p> <input type="checkbox"/> Any other <input type="checkbox"/> Please specify: </p>																															
<p>5. Are any of the following groups adversely affected by this policy:</p> <p>If yes is this high, medium or low impact (see attached notes): Impact</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Disabled people:</td> <td style="width: 10%;">No</td> <td style="width: 10%; text-align: center;">✓</td> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 40%;"></td> </tr> <tr> <td>Race, ethnicity & nationality:</td> <td>No</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>Male/Female/transgender:</td> <td>No</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>Age, young or older people:</td> <td>No</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>Sexual orientation:</td> <td>No</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Yes</td> <td></td> </tr> <tr> <td>Religion, belief & faith:</td> <td>No</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Yes</td> <td></td> </tr> </table> <p>If the answer is yes to any of these proceed to full assessment. This applies whether the impact assessment is high, medium or low.</p> <p>If the answer is no to all categories, the assessment is now complete.</p>		Disabled people:	No	✓	Yes		Race, ethnicity & nationality:	No	✓	Yes		Male/Female/transgender:	No	✓	Yes		Age, young or older people:	No	✓	Yes		Sexual orientation:	No	✓	Yes		Religion, belief & faith:	No	✓	Yes	
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Religion, belief & faith:	No	✓	Yes																												
<p>6. Does the policy, service strategy, procedure or function include measures which promote equality?</p> <p style="text-align: center;"> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes </p>																															

7. If yes, what are these measures?

The policy applies to all members of staff regardless of their background.

Date of assessment: 3/12/07

Completed by: Julia Brough

Signature Graham Shaw

Job title Head of HR

Director: Human Resources

Signature Julia Brough

This EIA will be published on the Trust website. A completed EIA must accompany a new policy or a reviewed policy when it is confirmed by the relevant Trust Committee, Divisional Board, Trust Director or Trust Board. Executive Directors are responsible for ensuring that EIA's are completed in accordance with this procedure.

GLOUCESTERSHIRE HOSPITALS NHS FOUNDATION TRUST

FLEXIBLE WORKING POLICY

1. INTRODUCTION

- 1.1 This policy applies to all employees of Gloucestershire Hospitals NHS Foundation Trust and details the way the Trust supports flexible working patterns to achieve a better work life balance for employees, whilst at the same time meeting its service needs.
- 1.2 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 24hour/365 day service.
- 1.3 This policy outlines the framework within which requests for flexible working patterns can be addressed with fairness and consistency. It also provides advice for employees and managers on the range of options available to staff wishing to consider flexible working options. New working arrangements should only be introduced by mutual agreement, whether sought by the employee or the employer.
- 1.4 All employees with flexible working arrangements should 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.
- 1.5 All jobs should be considered for flexible working. If this is not possible the manager must provide written, objectively justifiable reasons for this and give a clear, demonstrable operational reason why this is not practicable.

In addition employees also have the right to request to work beyond 65 and changes to the NHS Pension scheme encourage them to consider to flexible working options.

2. RIGHTS AND RESPONSIBILITIES

2.1 Employees

Employees have a right to ask for changes in their working patterns and the Trust has a responsibility to consider requests carefully. Employees must be realistic about their contribution to service provision when requesting a flexible working pattern and need to consider what operational difficulties might be caused by the work arrangement requested and how these difficulties could be overcome.

Although all staff do not have an automatic right to change the way in which they work, managers must consider the adverse effects of a refusal, which without adequate justification may, in some instances, be illegal.

The Employment Act 2002 provides a statutory right for qualifying employees to request a 'contract variation' in respect of working hours, working time or working from home for the purpose of caring for a child under the age of six or a disabled child under the age of eighteen. The right is also extended to employees who have carer responsibilities for adults aged eighteen or over.

Employees have a responsibility to fully investigate and consider the affect that adopting flexible working options will have on their pay and pension. In particular employees that belong to or are considering joining the Salary Sacrifice scheme.

2.1 Managers

Managers have a responsibility to all service users and the right to seek ways to improve effectiveness.

Managers also have a responsibility to enable staff to balance their working life with other commitments. This applies not only to existing staff but also to potential staff. All requests for flexible working should be considered carefully and treated fairly and equitably. In addition, managers are required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff and job applicants under the Disability Discrimination Act.

Managers must comply with the policy and must not refuse a request for flexible working without due consideration and where appropriate HR advice. (as detailed in 4.0 Process for Agreeing Flexible Working Patterns).

2.2 The Board

The Board is responsible for ensuring that the Trust applies the principles and values of the policy and demonstrates a commitment to developing and promoting a culture that is supportive of the benefits of flexible working.

2.3 Director of Human Resources

The Director of Human Resources is responsible for ensuring that the policy is consistent with legislative requirements and best practice.

Staff within the Human Resources Department are responsible for identifying and encouraging good management practice; advising and supporting managers and staff in dealing with flexible working requests and ensuring consistency in the way in which the policy is applied.

3. FLEXIBLE WORKING PATTERNS

Flexible working patterns may involve many aspects that either separately or in combination, facilitate employees to balance the needs of the service with their outside interests and responsibilities, while maintaining or improving service provision and fulfilling their contractual obligations and effectiveness.

Managers need to consider the impact of any flexible working arrangement on all other employees in the department or providing the service.

The section below defines the various forms of flexible working. Further advice on implementing any of these flexible options is available from Human Resources Advisers.

3.1 Part Time Hours

Part time hours are define as any number of hours which are less than the recognised full time contract hours for that particular post. The reduced number of

hours may be agreed on a temporary or permanent basis. Part time hours will result in a pro rata reduction in salary, annual leave and other benefits.

3.2 **Job Share Working**

A Job Share arrangement is where two (or more) employees share the hours, duties, responsibilities and status of one post. Please refer to the Trusts Job Share Policy for more detailed guidance and information.

3.3 **Flexi-Time**

Where there is flexibility for the individual to vary their working times within certain fixed limits. This usually means that employees can vary their start and finish times to suit domestic responsibilities, travel arrangements or for work related reasons.

Usually staff can build up debit or credit hours within specified limits; to allow staff to accrue additional hours worked and take appropriate time off in lieu. It is important that core working hours are agreed between manager and employee.

Flexi-time schemes can be formal or informal agreements either on an individual or departmental basis.

3.4 **Annualised Hours***

An employees contract hours may be defined on an annual (or seasonal basis), where there may be significant variations in weekly/monthly/quarterly hours.

This contract enables flexibility for managers to distribute working hours to suit individual needs or the needs of the service.

Care must be taken when agreeing an annualised hours contract to ensure that employees are compliant with the Working Time Regulations, a reasonable balance of hours need to be worked throughout the year or defined period and agreement reached on how holiday entitlement will be taken.

Staff are usually paid monthly with their annual salary being divided equally over twelve months. Annual leave entitlement should be calculated in hours to enable accurate recording of annual leave requests.

3.5 **Term-Time Only Contracts***

The employee is employed on either a full time, part time or job share basis, but works during school term times only and is entitled to unpaid leave during school holidays.

Usually the employee will be required to take some or all of their paid holiday entitlement during school holidays and not during term time. However, as with all flexible working arrangements this should be agreed with the individual prior to agreeing the basis of the contract.

The term time contract is usually based on a 39-week term. Agreement needs to be reached in each case on how much unpaid leave is required, this will vary according to how much paid annual leave is available and how long the school holidays are.

The employee's salary should be calculated on this basis and their salary is paid in twelve equal monthly instalments throughout the year.

Review of Annualised Hours and Term Time Only Contracts*

It is recommended that the manager and employee periodically discuss the arrangements for annualised hours and term time only contracts to ensure that they continue to provide the most effective form of flexible working for the employee and the department. During these discussions it is important that the ongoing commitments of the member of staff are recognised as well the requirement to offer this opportunity to other staff whilst maintaining an effective service. Priority should be given to employees who are recognised carers or with the responsibility for children under the age of six years or under eighteen years if the child has a disability.

3.6 **Team based self rostering(Flexibility in agreeing rosters/changing shifts)**

Within the Trust team based rostering is often adapted with a locally agreed system where a nominated person co-ordinates staff requests. Further advice on implementing team based self rostering is available from Human Resources.

3.7 **Special Leave for Domestic, Personal and Family Reasons**

Reference should be made to the Trust's Parental, Paternity, Adoption and Other Leave for Special Reasons Policy 2007

3.8 **Homeworking/Hot Desking**

This is only possible for a limited number of jobs, typically those not involving direct patient contact, not involving use of hospital equipment and where only a limited amount of direct contact with other staff is necessary.

The manager is responsible for ensuring there is a strong framework for performance management, to ensure effective control of this working arrangement.

Home working is more commonly agreed on a temporary basis to enable an individual to cope with an immediate short term problem or work related need

Consideration must be given to confidentiality and security issues, adequate IT support and Health and Safety requirements.

3.9 **Development Opportunities**

The Trust positively supports employees in their personal and professional development and provides opportunities for development through career breaks, secondments and where appropriate 'acting up' arrangements to cover temporary vacancies. These opportunities are usually advertised internally.

3.10 **Flexible use of annual leave**

Most employees are able to have some degree of flexibility about how they use their annual leave, whilst ensuring that they are compliant with the Working Time Regulations (minimum of four weeks annual leave a year).

It is usual practice for employees to be able to carry over up to one working week of annual leave each year, however, it may be appropriate to extend this to up to two working weeks if requested. Alternatively staff may opt to buy out a proportion of their entitlement in accordance with the Annual Leave Buy Out Protocol.

Employees also have the right to request unpaid leave as planned leave rather than only when their current leave entitlement expires. Managers have discretion to authorise this leave; however, it is usually reasonable to grant some unpaid leave depending on the individual circumstances.

Employees may request extended leave, for example to visit overseas relatives. Such leave requests should be dealt with consistently and in accordance with the Annual Leave Policy 2004.

4. PROCESS FOR AGREEING FLEXIBLE WORKING PATTERNS

This Policy outlines the range of flexible working arrangements currently supported within the Trust. A proposal to revise working arrangements may be initiated by an individual, a group of staff or by managers responding to the changing demands of service delivery.

Employees are entitled to seek advice from Human Resources or their staff side representative at any stage in the process.

- ◆ Employees requesting a change to their working arrangements have a responsibility to discuss their request with their immediate line manager in the first instance.
- ◆ Following this initial discussion it may be appropriate to put the request in writing.
- ◆ Managers are responsible for ensuring that appropriate consultation with the employee or group of employees is carried out.
- ◆ Flexible working arrangements can be implemented on the basis of mutual agreement between the employee/group of employees and the line manager.
- ◆ HR must be notified when there are contractual implications, for instance reducing/increasing hours, term time only/annualised hour's contracts.

If a manager is approached with a request, which they feel unable to agree, they must respond in writing to the employee outlining the reasons for the refusal. This should normally be done within 28 days of receipt of the request unless otherwise agreed with the individual. Managers should seek Human Resources advice before refusing a request for flexible working because of practical legal implications.

Managers who wish to revise working arrangements within a department must seek HR advice in accordance with the Trusts process for managing change and ensure that all implications, for instance appropriate protection arrangements, have been fully considered.

5. IMPLEMENTATION AND REVIEW

Any flexible working arrangement (apart from agreed permanent changes) will be subject to regular review to ensure that it remains in the best interests of the employee and the Trust and is not causing detriment to other members of staff.

Implementation and review dates should be determined and notified to the employees. It must be made clear whether any change represents a temporary or permanent variation in their terms and conditions of employment.

The initial review period should usually be no longer than six months, but further review periods are at the discretion of the manager and the employee concerned.

It is important that the employee is clear that if for any reason the arrangement is ended the employee will return to their substantive contractual working arrangements.

An employee may request a review of his or her flexible working patterns at any time.

6. RIGHT OF APPEAL

Any employee who wishes to appeal against a manager's refusal to support the requested flexible working arrangement, should first discuss the issues with the Human Resources department and/or his or her staff side representative. Any issues that cannot be resolved through this process should be referred through the Trust's Grievance and Disputes procedure.

7. REVIEW OF THE POLICY

This policy will be reviewed by the Human Resources Director and the Staff Committee in December 2010.

Graham Shaw
Director of Human Resources

GLOUCESTERSHIRE HOSPITALS NHS TRUST

Annual Leave Buy Out Protocol

1. Introduction

Towards the end of the 2001/02 financial year, the two former Trusts implemented a scheme to enable staff to 'sell' their annual leave back to the Trust. At that stage the scheme was run as a pilot with a view to implementing it on a more permanent basis should it prove popular to staff. It is fair to say that the Staff Side at that stage did have some reservations about the scheme.

The take up of the scheme was not enormous given the number of staff who were eligible, although those who did take it up were very positive.

This scheme is designed to be of benefit to staff, who may feel that they would rather have less annual leave in return for a one off payment. It should be emphasised that the scheme is entirely voluntary, and that no member of staff should feel obliged to sell their leave.

In support of the principles of the Improving Working Lives initiative to enable staff to improve their work life balance and to take advantage of a variety of flexible working options, it is proposed to introduce the scheme on a permanent basis. All criteria will remain as last year, as outlined below.

2. Eligibility

There are two groups of staff who will be eligible to sell their leave to the Trust, as follows:

- * Those groups of staff for whom the Trust would provide agency/bank/locum cover if they were absent, such as nursing staff.
- * Those staff who are prevented due to pressure of work from taking annual leave.

Staff will be entitled to sell their leave only if they also carry over the equivalent of one working weeks' leave to the following leave year.

Approval will be at the discretion of the Operational Manager/Lead Nurse/Head of Department, who will take into account circumstances such as amount of annual leave remaining, service need, previous sickness absence record, etc. Managers must also ensure that staff will have taken a minimum of four weeks paid leave (including Bank Holidays) within the leave year in order to comply with the Working Time Regulations.

3. Maximum Entitlement

Staff within the above categories will be entitled to sell a maximum of one working week's annual leave if, as stated above, they also carry over the equivalent of one working weeks' leave to the following leave year. They can sell less than this if they choose, but will only be entitled to sell leave on one occasion. It is not therefore appropriate for staff to decide to sell a day at a time.

Where staff work differing numbers of days per week, it will be necessary to use their average number of working days per week in determining the maximum amount of leave that can be sold.

Once leave is sold, staff will not be able to buy the leave back.

4. Payment

Payment will be made at the average rate of pay, including any allowances or enhancements, but excluding overtime pay.

Staff must apply to their manager by completing the attached form. Managers must ensure that staff meet the criteria outlined above, authorise and forward the form to the HR Department, and must then complete a variation form requesting that the payment be made.

November 02

GLOUCESTERSHIRE HOSPITALS NHS TRUST

CLAIM FOR PAYMENT IN RETURN FOR ANNUAL LEAVE

NAME: _____

JOB TITLE: _____

PLACE OF WORK: _____

Please answer all questions below:

How many days do you work per week: (If this differs, please state average)	
What is your outstanding annual leave entitlement for the remainder of this year?	
How many days leave are you intending to carry over to the following year?	
How many days leave would you like to sell? (maximum one working week)	

I understand that approval of the sale of my annual leave is at the discretion of my operational manager/lead nurse/head of dept, and in accordance with the Trust protocol. Payment will be made at my average rate of pay (including any allowances, but excluding overtime pay).

SIGNED: _____ DATE: _____

For completion by Operational Manager/ Lead Nurse/Head of Department

I authorise payment in return for the sale of annual leave as requested above.

SIGNED: _____ DATE: _____

You must complete a variation form in order to ensure payment to the member of staff.

Please forward this form to the HR Department for monitoring purposes.

SIGNED: _____ DATE: _____
(HR Adviser)