

## FLEXIBLE WORKING POLICY

		POLICY
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Approving Body	Joint Staff Partnership Forum	
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	<b>YES</b>	<b>NO</b>
	X	
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Sponsor (Position)	Director of People	
Author (Position & Name)	Associate Director of People (Operations)	
Lead Division/ Directorate	Human Resources	
Lead Specialty/ Service/ Department	Human Resources	
Position of Person able to provide Further Guidance/Information	Associate Director of People (Operations)	
Associated Documents/ Information		Date Associated Documents/ Information was reviewed
Leave Policy		December 2019
Version 3		June 2022

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## **1.0 INTRODUCTION**

- 1.1 The Trust recognises that effective flexible working practices to promote work/life balance can benefit both the organisation and its employees. It acknowledges that individuals at all stages of their working lives work best when they are able to achieve an appropriate balance between work and all other aspects of their lives.
- 1.2 This policy outlines the use of flexible working arrangements and supports the commitment of the Trust to create opportunities for all staff to develop their individual talents and have a rewarding working life that can be balanced against their personal commitments and responsibilities.
- 1.3 The NHS People Plan 2020 (We are the NHS: People Plan for 2020/2021 – action for all) rightly puts our people at the front and centre of the NHS, including those working in primary and community care. While it is expected that all NHS organisations embrace and work towards implementation of the definition and principles, this document is not statutory guidance and is not intended to create new or additional legal obligations on organisations.
- 1.4 This policy complies with the legislative requirements of the Working Time Regulations, Employment Rights Act 1996 as amended in 2002, 2009 and 2014, the Flexible Working Regulations contained within that Act, and the Equality Act 2010. Further information regarding the Flexible Working Regulations and how applications for flexible working are to be made and considered is contained within the Flexible Working Guidance.

## **2.0 POLICY STATEMENT**

- 2.1 In accordance with the aims and values of the Trust, this policy seeks to ensure that any requests for flexible working take into account the wellbeing of our current employees, the patients for whom the Trust provides services, and are consistent with current legislation. The Trust recognises that in addition to traditional full-time working patterns, flexible working arrangements can provide a range of options to meet service needs, and which help staff to balance their personal and work commitments.
- 2.2 This policy is intended to help employees, managers and HR deal with written requests made by employees to change their working hours/patterns under the statutory right in the Employment Rights Act 1996 to request flexible working.
- 2.3 A full equality impact assessment has been undertaken for this policy and procedure.

## **3.0 DEFINITIONS/ ABBREVIATIONS**

### **3.1 THE TRUST**

Means the Sherwood Forest Hospitals NHS Foundation Trust

### **3.2 EMPLOYEES**

Every member of staff has the statutory right to request to work flexibly after 26 weeks employment service.

### 3.3 **LINE MANAGER (e.g. Ward Leader, Department Leader, Section Leader)**

The line manager is responsible for considering and responding to an employee's flexible working request.

Line managers are responsible for reviewing flexible working arrangements on an annual basis.

### 3.4 **HIGHER LINE MANAGER (Matron, Service Manager, Divisional General Manager)**

The higher line manager will consider and respond to an appeal where a flexible working request has been declined in accordance with this policy.

### 3.5 **HUMAN RESOURCES**

The Human Resources Directorate is responsible for advising on the application of this Policy.

### 3.6 **FLEXIBLE WORKING**

Flexible working arrangements may include:

- Job sharing
- Working from home
- Part time
- Compressed hours
- Flexitime
- Annualised hours
- Staggered hours
- Phased retirement

However, this list is not exhaustive, and staff and line managers will also be encouraged and supported to develop other working arrangements that may suit particular service needs and individual requirements, including caring for elderly dependants, disabled children for example.

Further details are given in the Flexible Working Arrangements – Guidance and Information, but the following gives a summary of the main options available.

## 4.0 **ROLES AND RESPONSIBILITIES**

## **4.1 Managers**

- 4.1.1 To ensure that effective and efficient services to patients and service users are maintained.
- 4.1.2 To ensure that their staff are aware of this policy and the guidance to support work-life balance, and apply the guidance in an effective, fair and consistent manner.

## **4.2 Employees**

- 4.2.1 To ensure that effective and efficient services to patients and service users are maintained
- 4.2.2 To follow Trust policy in applying for a request to change their working hours or pattern of work.
- 4.2.3 To raise with their manager any concerns they have about being able to effectively manage the balance between their work commitments and home circumstances.

## **5.0 APPROVAL**

Joint Staff Partnership Forum

## **6.0 DOCUMENT REQUIREMENTS**

### **6.1 Making a Request for Flexible Working**

- 6.1.1 Every member of staff has the statutory right to request to work flexibly after 1 day of employment with the Trust. An employee can make more than one flexible working request in a 12-month period.
- 6.1.2 A request from an employee under the Employment Rights Act 1996 and Regulations must be made in writing and must include the following information
  - The date of the application, the change to working conditions the member of staff is seeking and when they would like the change to come into effect.
  - What effect, if any, the employee feels the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
  - A statement if this is a statutory request and if and when they have made a previous application for flexible working.

## 6.2 Considering the request for Flexible Working

- 6.2.1 The line manager must consider the written request for flexible working.
- 6.2.2 The line manager must arrange a meeting with the member of staff within 28 days of receipt of the flexible working application. If the flexible working request is to be approved a meeting is not required. The employee must have 7 days' notice of the meeting.
- 6.2.3 At the meeting the employee will have the right to be accompanied by an accredited representative of a recognised Trade Union or a work colleague acting in a non-professional capacity.
- 6.2.4 At the meeting discussion should take place regarding the request allowing the line manager to gain a better understanding of the changes the employee is requesting and explore how the changes will affect service delivery.
- 6.2.5 The line manager should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and the business and evaluate these against any adverse business impact of implementing the changes.
- 6.2.6 The line manager must make a decision within 14 days of the meeting and inform the employee of this decision in writing. This time limit can be longer if both parties agree. If a flexible working pattern has been agreed this will be a permanent change unless this is explicitly identified as an outcome of the request. The line manager will generate a variation to contract form which will be signed by the manager and staff member.
- 6.2.7 The application will be treated as withdrawn if the employee misses 2 meetings (without good reason) with the line manager.
- 6.2.8 If the line manager rejects the request it must be for one of the following business reasons as set out in legislation;
- The burden of additional cost
  - An inability to reorganise work amongst existing staff
  - An inability to recruit additional staff
  - A detrimental impact on quality
  - A detrimental impact on performance
  - Detrimental effect on ability to meet customer demand
  - Insufficient work for the periods the employee proposes to work
  - A planned structural change in your business
- 6.2.9 The line managers letter must include;
- The business reasons for rejecting the application
  - An explanation about how the requested flexible working affects the business
  - How employees can appeal.

### 6.3 **Appeal the Decision**

- 6.3.1 Employees can appeal against the decision to decline the flexible working request if the information the employer used to make the decision was incorrect or incomplete.
- 6.3.2 An employee cannot appeal if they just disagree with the business reasons for the rejection.
- 6.3.2 If an employee wishes to appeal, they must write to the higher line manager setting out the grounds for an appeal, within 14 days after receiving written notice of the decision.
- 6.3.3 The higher line manager will hear the appeal with a Human Resource Business Partner.
- 6.3.3 The higher line manager must hold a meeting with the employee within 14 days after the employee has lodged an appeal.
- 6.3.4 At the meeting the employee will have the right to be accompanied by an accredited representative of a recognised Trade Union or a work colleague acting in a non-professional capacity.
- 6.3.5 The higher line manager will write to the employee outlining the decision within 14 days of the meeting.
- 6.3.6 The appeal will be treated as withdrawn if the employee misses 2 appeal meetings (without good reason) with the higher line manager.

## 7.0 MONITORING COMPLIANCE AND EFFECTIVENESS

<b>Minimum Requirement to be Monitored</b>  (WHAT – element of compliance or effectiveness within the document will be monitored)	<b>Responsible Individual</b>  (WHO – is going to monitor this element)	<b>Process for Monitoring e.g. Audit</b>  (HOW – will this element be monitored (method used))	<b>Frequency of Monitoring</b>  (WHEN – will this element be monitored (frequency/ how often))	<b>Responsible Individual or Committee/ Group for Review of Results</b>  (WHERE – Which individual/ committee or group will this be reported to, in what format (eg verbal, formal report etc) and by who)
Implementation of the Policy	Associate Director of People (Operations)	Audit of formal requests	Quarterly	Joint Staff Partnership Forum



## 8.0 TRAINING AND IMPLEMENTATION

8.1 No training is provided for this policy as the document is self-explanatory.

8.2 Guidance can be sought from Human Resources Department

## 9.0 IMPACT ASSESSMENTS

- This document has been subject to an Equality Impact Assessment, see completed form at Appendix 1
- This document is not subject to an Environmental Impact Assessment

## 10.0 EVIDENCE BASE (Relevant Legislation/ National Guidance) AND RELATED SFHFT DOCUMENTS

### Evidence Base:

- Employment Rights Act 1996
- Equality Act 2010

### Related SFHFT Documents:

- Leave Policy
- Maternity and Adoption Leave Guidance
- Parental Policy and Guidance
- Maternity/Adoption support (Paternity) Leave Guidance
- Career Break Guidance
- Shared Parental Leave Guidance
- Special Leave Guidance

## 11.0 KEYWORDS

- Flexible working.
- Part time working.
- Job share.
- Compressed working hours.
- Annualised hours.
- Term-time working

## 12.0 APPENDICES

- Equality Impact Assessment Form (EQIA)

## APPENDIX 1 - EQUALITY IMPACT ASSESSMENT FORM (EQIA)

<b>Name of service/policy/procedure being reviewed: Flexible Working Policy</b>			
<b>New or existing service/policy/procedure: Existing</b>			
<b>Date of Assessment: 18 March 2022</b>			
<b>For the service/policy/procedure and its implementation answer the questions a – c below against each characteristic (if relevant consider breaking the policy or implementation down into areas)</b>			
<b>Protected Characteristic</b>	<b>a) Using data and supporting information, what issues, needs or barriers could the protected characteristic groups' experience? For example, are there any known health inequality or access issues to consider?</b>	<b>b) What is already in place in the policy or its implementation to address any inequalities or barriers to access including under representation at clinics, screening?</b>	<b>c) Please state any barriers that still need to be addressed and any proposed actions to eliminate inequality</b>
<b>The area of policy or its implementation being assessed:</b>			
<b>Race and Ethnicity</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Gender</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Age</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Religion</b>	None	This policy is implemented to support individuals with their	None

		work life balance and caring responsibilities	
<b>Disability</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Sexuality</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Pregnancy and Maternity</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Gender Reassignment</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Marriage and Civil Partnership</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>Socio-Economic Factors (i.e. living in a poorer neighbourhood / social deprivation)</b>	None	This policy is implemented to support individuals with their work life balance and caring responsibilities	None
<b>What consultation with protected characteristic groups including patient groups have you carried out? JSPF Sub group</b>			

<b>What data or information did you use in support of this EqIA?</b> Gov.uk website
<b>As far as you are aware are there any Human Rights issues be taken into account such as arising from surveys, questionnaires, comments, concerns, complaints or compliments?</b> No
<b>Level of impact</b>  From the information provided above and following EQIA guidance document Guidance on how to complete an EIA, please indicate the perceived level of impact:  Low Level of Impact  For high or medium levels of impact, please forward a copy of this form to the HR Secretaries for inclusion at the next Diversity and Inclusivity meeting.
<b>Name of Responsible Person undertaking this assessment:</b> DA Lister
<b>Signature:</b> DA Lister
<b>Date:</b> 18/03/22