



## FLEXIBLE WORKING POLICY

Version	10
Name of responsible (ratifying) committee	HR Policy Group
Date ratified	05 July 2018
Document Manager (job title)	Corporate HR Manager
Date issued	03 August 2018
Review date	03 August 2020
Electronic location	Management Policies
Related Procedural Documents	Annual Leave and Planned Absences Policy; Appeals Procedure; Job Share Policy; Maternity, Paternity, Adoption and Parental Leave Policy; Employment Break Policy, New Consultant Contract
Key Words (to aid with searching)	Flexible working; part time; flexi time; annualised hours; job share; career break; term time working, job planning

### Version Tracking

Version	Date Ratified	Brief Summary of Changes	Author
10	05/07/18	Review and update	Susie Lowe
9	19/05/16	Update and inclusion of templates	Susie Lowe
8	01/10/14	Updated to reflect new statutory guidance	Susie Lowe

## CONTENTS

QUICK REFERENCE GUIDE .....	3
1. INTRODUCTION .....	4
2. PURPOSE .....	4
3. SCOPE .....	4
4. DEFINITIONS .....	4
5. DUTIES AND RESPONSIBILITIES.....	5
6. PROCESS .....	6
7. TRAINING REQUIREMENTS .....	8
8. REFERENCES AND ASSOCIATED DOCUMENTATION .....	8
9. EQUALITY IMPACT STATEMENT .....	8
10. MONITORING COMPLIANCE WITH PROCEDURAL DOCUMENTS .....	10
APPENDIX A: Flexible Working Request Form.....	11
APPENDIX B: Managers Confirmation of Receipt.....	13
APPENDIX C: Flexible Working Application - Accepted.....	14
APPENDIX D: Flexible Working Application – Decline Form.....	15
APPENDIX E: Annualised Hours .....	16
EQUALITY IMPACT SCREENING TOOL .....	18

## QUICK REFERENCE GUIDE

For quick reference the guide below is a summary of actions required. This does not negate the need for the document author and others involved in the process to be aware of and follow the detail of this policy.

1. Flexible working is designed to address the changing profile of the workforce and the need for the Trust to be able to deliver services to patients on a 24/7 basis.
2. The policy explains what flexible working is, the different options for flexible working that may be open to employees, what it means for employees, including the impact on terms and conditions of employment and outlines the process for requesting flexible working.
3. Although the policy applies to all employees and prospective employees of the Trust, the suitability of a post for flexible working is at the discretion of the manager.
4. Employees may make one application in each twelve month period and such requests must be made in writing, providing as much detail about their requirements as possible, including what the effect will be to the department and how the department will be able to accommodate.
5. Once a manager has received a flexible working request from an employee, they must arrange to meet with them to discuss the request. Following the meeting, the manager must inform the employee in writing of their decision.
6. Where a request is refused, the employee may appeal this decision using the Trust's Appeals Procedure.

## 1. INTRODUCTION

- 1.1 Portsmouth Hospitals NHS Trust (“the Trust”) recognises that attracting, recruiting, developing and retaining skilled and experienced employees is central to the achievement of its business goals and objectives, and the provision of a high quality service. The Trust is committed to considering flexible and supportive family friendly practices and arrangements which enable staff to balance their work and careers with the demands of a family or other commitments and responsibilities more effectively, leading to greater individual and business performance, increased levels of engagement and commitment from workers at all levels.
- 1.2 Flexible working is designed to address the changing profile of the workforce and the need for the Trust to be able to deliver services to patients on a 24/7 basis. It enables the use of advances in technology, provides a valuable recruitment and retention tool and aims to meet the increased demand for an effective work-life balance.

## 2. PURPOSE

- 2.1 The purpose of this policy is to explain flexible working, what it means for employees and the Trust, and its impact on pay and benefits. It outlines the alternative options available thus providing a framework for flexing individual working time arrangements. It also explains the process for requesting flexible working.

## 3. SCOPE

- 3.1 This policy applies to all employees with a minimum of 26 weeks employment with the Trust.
- 3.2 All permanent, established posts will be considered eligible for flexible working. The suitability of a post for flexible working is at the discretion of management, and the quality of service delivery should always take priority.

*In the event of an epidemic infection outbreak, flu pandemic or major incident, the Trust recognises that it may not be possible to adhere to all aspects of this document. In such circumstances, staff should take advice from their manager and all possible action must be taken to maintain ongoing patient and staff safety*

## 4. DEFINITIONS

- 4.1 The term flexible working relates to an organisation’s working arrangements in terms of working time, working location and the pattern of working.
- 4.2 Flexible working options include:-

**Part-time working** - This involves reducing an employee’s contracted hours of work on a permanent basis. All pay and benefits will be adjusted pro-rata. This option will normally allow some flexibility in the hours/days worked each week, provided the manager agrees to the variations and that the monthly total reconciles to the employee’s new contracted figure. Payment for additional hours in any month must be agreed in advance with the employee’s line manager and will be at normal (i.e. not overtime) rate (up until full time hours are reached).

**Temporarily reduced working hours** - This involves a temporary (up to one year) reduction in contracted hours to deal with special circumstances in an employee’s life outside work. It will involve an agreed end date on which the employee reverts to their original contract. During the

temporary reduction, all pay and benefits will be reduced pro-rata (including pension contributions and entitlements).

**Staggered working hours** - This involves an employee working the same number of days (and the same scheduled days) as their existing contract, but changing start and finish times to suit their personal circumstances (e.g. working from 10a.m to 6p.m rather than 9a.m to 5p.m).

**Flexi time** - Though an employee's start and finish times may vary day-to-day; there is no contractual change and no change to pay and benefits. Nor will the change involve enhanced hourly rates being paid. With flexi-time, an employee and their manager should agree that certain hours are 'core' hours which they will work every day. In addition to the core hours, an employee can be flexible about start and finish times provided their hours each week add up to their contracted hours. Flexi-time is very often worked within a team, so consideration will be given to ensuring that the service is covered during specific times. A record of hours worked must be kept. Hours must not be allowed to accumulate to an excessive level with such working arrangements.

**Home Working** - Due to the nature of the Trust's business, employees will only be able to work from home on a very occasional basis which must be pre-agreed with their manager.

**Annualised hours** - This is a contract where the hours an employee works are calculated on a yearly rather than the traditional weekly basis, so that their hours can be spread unevenly over the year. For example, it might involve an employee reducing their hours during school holidays while increasing them during term time. The annualized hours process is outlined in Appendix E.

**Job Share** - This is a contract where two people carry out one post between them. For further details, please see the [Trust's Job Share Policy](#).

**Term time working** - This is a contract where an employee continues to work full or part time hours, but has unpaid leave during school holidays. Annual leave is usually taken during the time away from the organisation. Annual leave entitlement is calculated based on the number of weeks in the year when the employee is at work. Any unpaid time (for example the school holidays) will be excluded for the purposes of calculating annual leave entitlement. For example, where an employee never works during the school holidays, this will normally equate to 13 weeks unpaid leave, therefore the annual leave entitlement will be calculated based on the employee being at work for 39 weeks of the year. The details of an annual hours or term time only contract must be agreed with an employee's Line Manager and Head of Department prior to implementation. Annual hours and term time only contracts, once agreed, should be subject to an annual review meeting between the employee and their manager, to ensure that they continue to meet both the employee's and the business requirements.

## 5. DUTIES AND RESPONSIBILITIES

### 5.1 Employees

5.1.1 In normal circumstances, employees can only make one application every twelve months; each year runs from the date the first application was made.

5.1.2 If employees wish to apply for any of these options, they must discuss it in the first instance with their line manager. Employees are responsible for being objective in their assessment of how the change might affect the service, the team or performance.

5.1.3 Employees must put their request in writing using **Appendix A** to their immediate line manager, with as much detail about their requirements as possible, including how they believe this can be

accommodated within the department, and keep a copy. It would be helpful if the request included the following details:

- That this is a statutory request, and state whether they have made a previous application for flexible working and if so, the date of that application.
- The employee must also state if they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for their disability.
- Details of their current working pattern (days/hours/times worked);
- Details of the working pattern they would like to work in the future (days/hours/times worked);
- The date they would like the working pattern to commence from;
- The impact of the new working pattern – how it will affect their colleagues, department and the Trust;
- How the new working pattern could be accommodated – how the effect on their colleagues, department and the Trust could be dealt with;
- The application must be dated and signed by the individual.

5.1.4 Employees must demonstrate a willingness to be flexible and to fully explore alternative suggestions made by their manager if they are unable to accommodate the employee's initial request.

## 5.2 Line Managers

5.2.1 Line managers are responsible for being open in response to flexible working requests and to accommodate requests where possible, but must give serious consideration to the impact of a request on both colleagues and service delivery. They have a primary responsibility for maintaining service effectiveness and quality.

## 5.3 Responsibilities for the Operational Human Resources team

5.3.1 The Operational HR team is responsible for advising all parties on the implementation of this policy and providing advice to both managers and employees regarding a flexible working arrangement and its terms and conditions.

# 6. PROCESS

## 6.1 Applying for a Flexible working arrangement

Employees must consider the practical implications of their request and how their department/section would cope with these. Some posts may be harder to work flexibly in than others, particularly where other members of the multi-disciplinary team already have established shift patterns or where service needs may be adversely affected.

The employee must put their request in writing using **Appendix A** to their immediate line manager in accordance with their responsibilities outlined in section 5.

On receipt of a Flexible Working Request the manager must complete the Managers Confirmation of Receipt form (**Appendix B**).

Managers must then arrange a meeting to discuss the employee's request, within a reasonable time frame of receiving the request and no more than 28 days. This is to allow time to consider the request fully. Managers may need to hold more than one meeting with the employee, depending on the nature of their request. The discussion of the flexible working request does not have to be face to face, and if both parties agree, it can be held by phone.

Employers are legally required to complete the process, including any Appeal within 3 months of receiving the request. If the request can not be dealt with within 3 months, an employer can extend this time period provided the employee agrees to the extension.

Whilst there is no statutory right to be accompanied at a meeting, employees may choose to be accompanied at any meetings held to discuss their request by a Trade Union or staff elected representative or work colleague.

It may be that the employee's manager is unable to accommodate their request in full. However they may be able to make alternative suggestions, which should be fully explored. Both may then wish to meet at a later date to discuss the alternative suggestions again, once the employee has had time to consider them.

- Depending on the outcome of the following the meeting / phone call managers must use the Accepted form (Appendix C) or Declined form (Appendix D) to confirm the outcome.

## **6.2 Flexible working request - accepted**

If the decision has been made to agree to a request for flexible working, an employee's contract will be varied to the new working arrangements. It is strongly suggested that whenever a change is agreed, it is subject to a trial period of between 1 and 6 months, in which case the contract should be subject to a temporary variation, for the period of the trial.

During the trial period the employee and manager should meet on a regular basis in order to review how the flexible option is working. They should meet for a final review meeting at the end of the trial period.

Provided the trial works successfully, the manager can then agree to the flexible option being adopted on a permanent basis, or agree that the flexible option can be adopted for a temporary period, subject to review. Where the flexible option is adopted on a permanent basis and the employee's contract has been permanently varied, there is no automatic right to resume their previous working pattern.

Any changes to an employee's contractual hours (except ROEM staff) are to be input via Manager's Self Service on ESR and a contract variation letter sent to the employee from the line manager.

## **6.3 Flexible working request - declined**

Where a manager refuses an employee's request, the reasons for this must be explained in the Flexible Working Application – Decline form (**Appendix D**). Refusals must be for one or more of the following reasons:-

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work amongst existing staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficient work available during the period the employee requested the change.
- Planned structural changes.
- An inability to recruit additional staff due to e.g. local or national shortages, recruitment freeze
- Where an additional employee cannot be recruited as a replacement or job share

This list is not exhaustive.

## 6.4 Appealing against the manager's decision

6.4.1 An employee may appeal against their manager's decision, if;

- They do not receive a formal response (in writing) from their manager within the agreed timeframe as detailed above;
- They believe the correct procedure has not been followed;
- They believe the request has not been considered fully as the reasons given for refusal are not justifiable.

6.4.2 This should follow the process set out in the [Appeals Procedure](#).

6.4.3 Employees must bear in mind when making a request that managers have a duty to consider the needs of the service or department as a whole, and may not always be able to accommodate an employee's request, although they will do so whenever practicable.

## 7. TRAINING REQUIREMENTS

Managers will be briefed on the content of this policy and will be able to seek training, guidance and assistance on its implementation from the Operational Human Resources Team.

## 8. REFERENCES AND ASSOCIATED DOCUMENTATION

ACAS Advisory booklet - *Flexible working and work-life balance* - June 2014. Available at [www.acas.org.uk](http://www.acas.org.uk)

Chartered Institute of Personnel and Development (CIPD) - *Flexible working factsheet*, revised June 2014. Available at [www.cipd.co.uk](http://www.cipd.co.uk)

Business Link - *Flexible working the law and best practice, 2014*. Available at [www.businesslink.gov.uk](http://www.businesslink.gov.uk)

New NHS Consultant Contract – Part time and Flexible Working (27 August 2003)

BMA and NHS Employers - A Guide to Consultant Job Planning, July 2011 Version 1

Portsmouth Hospitals NHS Trust Policies:

- Annual Leave and Planned Absences Policy
- Appeals Procedure
- Employment Break Policy
- Job Share Policy
- Maternity, Paternity, Adoption and Parental Leave Policy

## 9. EQUALITY IMPACT STATEMENT

Portsmouth Hospitals NHS Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy has been assessed accordingly



Our values are the core of what Portsmouth Hospitals NHS Trust is and what we cherish. They are beliefs that manifest in the behaviours our employees display in the workplace. Our Values were developed after listening to our staff. They bring the Trust closer to its vision to be the best hospital, providing the best care by the best people and ensure that our patients are at the centre of all we do.

We are committed to promoting a culture founded on these values which form the 'heart' of our Trust:

***Working together....***

for Patients  
with Compassion  
as One Team  
Always Improving

This policy should be read and implemented with the Trust Values in mind at all times.

## 10. MONITORING COMPLIANCE WITH PROCEDURAL DOCUMENTS

This document will be monitored to ensure it is effective and to assure compliance.

Minimum requirement to be monitored	Lead	Tool	Frequency of Report of Compliance	Reporting arrangements	Lead(s) for acting on Recommendations
Process to be followed once a request has been raised	HR Manager	Audit of files to ensure process has been followed.	Annually	Policy audit report to: <ul style="list-style-type: none"> <li>HR Senior Management Team</li> </ul>	Corporate HR Manager
				Policy audit report to: <ul style="list-style-type: none"> <li></li> </ul>	
				Policy audit report to: <ul style="list-style-type: none"> <li></li> </ul>	

**FLEXIBLE WORKING REQUEST FORM**

This form should be completed by the individual requesting flexible working and then passed to their manager for consideration.

***Personal details***

Name: \_\_\_\_\_ Job title: \_\_\_\_\_  
Department: \_\_\_\_\_ Care Group: \_\_\_\_\_

**To the Employer**

Under my right provided in the Flexible Working Policy, I would like to apply to work a different / flexible working pattern that is different to my current working pattern / employment contract. I confirm I meet the eligibility criteria as follows:

- I have worked continuously as an employee of PHT for the last 26 weeks.
- I have not made a request to work flexibly / change my employment contract under this right during the past 12 months.

It would be helpful to provide the reason/s for this request:

Describe your current working pattern (days/hours/times worked):

Proposed working pattern (days/hours/times worked):

I would like this working pattern to commence from (date):

Is your request for a temporary? Yes / No

If yes please state duration:

***Impact of new working pattern***

I think the change in my working pattern will affect my employer and colleagues as follows:

How will you be able to continue to perform all current duties within the proposed working pattern?

If you will not be able to perform all duties, what duties will be affected?

What suggestions do you have on how such duties can be reallocated?

To help your manager consider your application and alternative ways of providing a service, please outline how your request will affect the following?

Direct patient care (where applicable)?

Customer/client service?

Colleagues who have to cover at times when you would previously have been on duty?

If your role involves management of staff how will this proposal affect your delivery of:

Supervision:

Performance appraisal:

Training:

Communication:

Staff Support:

**Signed:**

**Date:**

**Job title:**

## APPENDIX B: Managers Confirmation of Receipt

### MANAGERS CONFIRMATION OF RECEIPT

To be completed and returned to the employee in order to confirm receipt of their application.

**To:**

I can confirm that I have received your request to change your working pattern on (date):

I shall be arranging a meeting to discuss your application within 28 days of the above date. In the meantime you may wish to consider whether you would like a trade union or staff elected representative

or work colleague ) to accompany you at the meeting.

**Signed:**

**Date:**

**Job title:**

**FLEXIBLE WORKING APPLICATION – ACCEPTED**

***Note to the manager***

You must write to your employee within **14 days** following the meeting with your decision. This form can be completed by the manager when accepting an application to work flexibly / change an employment contract. If you cannot accommodate the requested working pattern you may still wish to explore alternatives to find a working pattern suitable to you both.

**To:**

Following receipt of your application and our meeting on (date):

I have considered your request for a new / flexible working pattern.

I am pleased to confirm that I am able to accommodate your application

I am unable to accommodate your original request but I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will commence from (date):

Note: This change is subject to a trial period (up to six months) and will be reviewed on (date):

**Signed:**

**Date:**

**Job title:**

## APPENDIX D: Flexible Working Application – Decline Form

### FLEXIBLE WORKING APPLICATION – DECLINE FORM

#### **Note to the manager**

You must write to your employee within **14 days** following the meeting with your decision.

#### **To:**

Following your request for flexible working / change of contract, I have considered your application carefully but concluded that I am unable to accommodate your request. We have discussed alternative flexible working arrangements but have been unable to agree any other pattern of work that would be suitable both for you and the Department.

Your application has been declined due to the following justifiable business reasons: *(please give as much detail as possible as to why the request would not be practical to implement at this point in time, providing evidence where appropriate e.g. rosters or risk assessment documents).*

Should you wish to appeal against this decision, your appeal must be lodged in writing within 10 working days from receipt of this letter. Your letter should state the reasons for the appeal and should be addressed to:

Rebecca Kopececk  
Deputy Director of Human Resources and OD  
Cambridge House  
Queen Alexandra Hospital  
Southwick Hill Road  
PO6 3LY

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

**Signed:**

**Date:**

**Job title:**

### ANNUALISED HOURS

An employee and their manager will agree the minimum number of hours that they anticipate they will work over the year. This should be no less than 120 hours per annum (10 hours per month), as being the minimum number of hours economical for the Trust to operate an annualized hours contract.

For example - if they anticipate they will work one shift (7.5 hours) per week for 40 weeks of the year but increase to three shifts during holiday periods they would work 573.22 hours in a year (based on 52.143 weeks pa).

$7.5\text{hrs} \times 40\text{ wks} = 300\text{ hrs} + 22.5\text{ hrs} \times 12.143\text{ wks} = 273.22 = 573.22$

An employee would be paid these hours over 12 months of the year. In this example therefore, they would be contracted for 47.8 hours per month, although they would still work the pattern of hours that had been agreed.

An employee can be rostered to work a maximum of 48 hours in any one week however the hours worked must be reconciled to their contract every six months. An employee's shift patterns and hours worked must comply with the needs of the service as defined by their line manager and must comply with the Working Times Regulations Act (1998).

Timesheets must be forwarded to the Payroll Department on a quarterly basis.

If an employee is regularly working in excess of the hours within their annualized hours contract or are unable to meet the minimum hours within the contract they should discuss this with their line manager.

An overtime premium will not apply except where there is a surplus at the end of the six-monthly reconciliation period, which has been agreed, in advance, with an employee's line manager. Any additional hours worked which have been agreed with their line manager can be paid as excess hours one month in arrears. An employee may carry hours over to the next month at the discretion of their manager. An employee's manager has the flexibility to use either option.

If an employee has worked under their agreed minimum yearly hours total at the end of the year of the annualized hours period, these hours will be deducted from the final month of the year's salary. Any such deductions must be authorised by their line manager. An employee's manager has the discretion to authorise carrying over a deficit into the next financial year.

Employees on an annualized hours contract are entitled to receive the same annual leave and bank holidays as other staff within the Trust. Annual leave will be calculated in hours rather than days inclusive of bank holidays. This is in line with the Agenda of Change terms and conditions, and accommodates staff working a variety of hours on different days.

#### Calculation

Full time annual leave entitlement (inclusive of bank holidays) X your contracted hours

5

Flexible Working Policy

Version: 10

Issue Date: 03 August 2018

Review Date: 03 August 2020 (unless requirements change)



E.g. Part time member of staff working 18.75 hours per week over 2.5 days

$$35 \times 18.75 = 131 \text{ hours per year}$$

5

The employee will book leave in hours. For example the part time employee above wishes to book one week's leave,

$$131 - 18.75 = 112.5 \text{ hours remaining}$$

An employee is entitled to equal treatment, for example in any application for special leave. Any payment will be based on the actual rostered hours to be worked in the qualifying or reference period.

An employee should follow their local reporting procedures if they are unfit for work – whether or not the sickness absence arises inside or outside of their rostered hours. If they are off work due to sickness they will be paid for the time off in accordance with the Trust's terms and conditions. For any part weeks of sickness an employee should enter their rostered hours on the timesheet. For a full week of sickness they should enter their contracted hours on the timesheet.

If an employee falls sick in a period when they are not rostered to work, sick pay will be calculated on their contracted hours.

### EQUALITY IMPACT SCREENING TOOL

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval for service and policy changes/amendments.

Stage 1 - Screening			
Title of Procedural Document: Flexible Working Policy			
Date of Assessment	31 May 2018	Responsible Department	Human Resources
Name of person completing assessment	Susie Lowe	Job Title	Corporate HR Manager
Does the policy/function affect one group less or more favourably than another on the basis of :			
	Yes/No	Comments	
• Age	No		
• Disability	No		
• Gender reassignment	No		
• Pregnancy and Maternity	No		
• Race	No		
• Sex	No		
• Religion or Belief	No		
• Sexual Orientation	No		
• Marriage and Civil Partnership	No		
<b>If the answer to all of the above questions is NO, the EIA is complete. If YES, a full impact assessment is required: go on to stage 2, page 2</b>			
More Information can be found be following the link below			
<a href="http://www.legislation.gov.uk/ukpga/2010/15/contents">www.legislation.gov.uk/ukpga/2010/15/contents</a>			

**Stage 2 – Full Impact Assessment**

<b>What is the impact</b>	<b>Level of Impact</b>	<b>Mitigating Actions</b> (what needs to be done to minimise / remove the impact)	<b>Responsible Officer</b>

**Monitoring of Actions**

The monitoring of actions to mitigate any impact will be undertaken at the appropriate level

Specialty Procedural Document:	Specialty Governance Committee
Clinical Service Centre Procedural Document:	Clinical Service Centre Governance Committee
Corporate Procedural Document:	Relevant Corporate Committee

All actions will be further monitored as part of reporting schedule to the Equality and Diversity Committee