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1 Introduction

The purpose of this procedure is to ensure staff and managers understand the different types of flexible working, what staff are entitled to and how to apply for these.

This procedure ensures that flexible working requests are handled fairly, consistently, and timely.

All requests for flexible working will be considered in line with Our Journey to Change (OJTC) and Trust values as detailed below.

To co-create a great experience for our patients, carers and families, so you will experience:

- **Outstanding** and compassionate care, all of the time.
- **Access** to the care that is right for you.
- **Support** to achieve your goals.
- **Choice** and control.

To co-create a great experience for our colleagues, so you will be:

- **Proud**, because your work is meaningful.
- **Involved** in decisions that affect you.
- **Well led** and managed.
- That your workplace is **fit for purpose**.

To be a great partner, so we will:

- Have a **shared understanding** of the needs and the strengths of our communities
- Be **working innovatively** across organisational boundaries to improve services.
- Be **widely recognised** for what we have achieved together.

2 Why we need this procedure

Following this procedure will help the Trust to consider all flexible working requests fairly and consistently and in line with Trust values.

3 Who this procedure applies to

- This procedure applies to all Trust employees, regardless of length of service.
- There are no limits to the number of flexible working requests that be submitted, nor any need to provide a rationale for the request.



If a staff member requests a flexible working pattern due to their disability or long term health condition, this should be considered via the Workplace Adjustments procedure.

4 Related documents

This procedure describes what you need to do to implement the Flexible Working section of the During Employment Policy.

Key supporting documents include:-

- Employee Guidance on Flexible Working Requests
- Manager Guidance on Flexible Working Requests
- ACAS Guidance on Flexible Working
- Working Time Regulations 1998
- Agenda for Change Terms and Conditions of Service
- Workplace Adjustments Procedure

5 Process

5.1 How to apply

Appendix 5 provides a diagram with timescales of the process.

- Staff member to read the Employee Guidance on flexible working requests Appendix 6
- Staff member to discuss the request informally with the line manager in the first instance
- Staff member to make request completing in full the 'Flexible Working Application Form' **Appendix 3** and submit to line manager.



Employees DO NOT have an automatic right to work flexibly as this depends on the need to meet service delivery.



Staff must provide all the required information as set out in the Flexible Working application form, otherwise the request will not be considered

- Be aware that any request that is made and accepted will be a permanent change to staff contractual terms and conditions (unless otherwise agreed).
- Where there is a request agreed to reduce the working hours, salary and annual leave will be adjusted accordingly. Staff have no right to revert to the previous working pattern.

Note: Line managers may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances staff will be consulted with in line with the organisational change procedure.

5.2 Considering a Request (exploratory stage)

- Line managers must:
 - Read the Managers Guidance on flexible working requests in Appendix 7
 - Access the Flexible Working Pack for copies of template letters [link](#)
 - Acknowledge receipt of the flexible working request in writing, see Flexible Working Pack for template letter [link](#)
 - Inform the relevant People and Culture representative of the request as soon as possible
 - Ensure that the whole process including time for any appeal is completed within **3 months**. If this is not possible, discuss with the staff member the reason for the delay and expected time frames.
 - Meet with staff member to discuss the content of their application, as a guide within **14 (Calendar) days** of receipt of the application or as soon as possible. For a copy of invite to meeting template letter refer to the Flexible Working Pack [link](#)
 - Consider requests in the order they are received. Having considered and approved the first request, Line Managers should remember that the business context has now changed and can be taken into account when considering the subsequent requests.
 - Consider any requests which are made at the same time on an individual basis, exploring the impact on the business and the individual.



- There may be occasions whereby the line manager is in a position to agree the request without the requirement to meet, on these occasions staff will be notified of the outcome in writing
- There may be circumstances where one staff's request is approved and another may not have been. This may be because the request may be different and can be accommodated.

- If there are concerns about whether the requested changes are workable, a trial period of three months may be agreed initially. If this is agreed, no decision will be made until the trial period has concluded. In exceptional circumstances a further maximum 3 month extension may be granted at the discretion of the line manager.

- At the exploratory meeting:
 - Staff member can be accompanied at the meeting by a staff side representative or companion. The line manager may be accompanied by People and Culture representative.
 - Staff and line manager explore the request and to understand how flexible the staff member can be and how the request would impact on service delivery. Both will discuss the desired working arrangement in depth and consider how it might be accommodated; the meeting also provides an opportunity to establish if an alternative working arrangement may be appropriate.

5.3 When a request is granted by a Line Manager

If the request is agreed at the exploratory stage, the Line manager will inform the staff member of the decision in writing 'Flexible Working Request Outcome' by completing Section 5 (A) of Appendix 3, this should be done within, as a guide, 7 days following the date of the meeting.

The flexible working request will be made on a permanent basis, unless this is agreed (normally on the request of the individual) for a temporary period, this will be up to a maximum of 12 months. If the temporary period then extends beyond 12 months, the arrangement then becomes permanent.

5.4 Unable to agree to request (escalation stage)

If the line manager is unsure if they are able to accommodate the staff members request within their immediate service, they should not advise the individual that their request has been declined, but should escalate the staff members request to the next line manager above. This is the escalation stage.

The next line manager will review the full application considering:

- If the request be accommodated in a different team, location or role
- If this is the case they will share the request with other managers within the service area who will be required to respond to the request within, as a guide, **10** days using the template memo in the Flexible Working Pack [link](#)

-
- On receipt of the information provided, the next line manager will make a decision as to whether the request can be accommodated. The immediate line manager will be informed of the decision and then inform you in writing using the 'Flexible Working Request Application form.
 - If the request is not granted the staff member can appeal, following the instructions on the Flexible Working Application form.

5.5 When can a flexible working request not be granted?

The service may refuse an application to work flexibly because they consider one or more of the following grounds may apply:

- Burden of additional costs
- Detrimental effect on ability to provide cover / service
- Inability to re-organise work amongst other staff
- Inability to recruit additional staff
- Detrimental impact on quality or performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural change
- Other grounds that the Secretary of State may specify by regulations.

The rationale for not agreeing a request should be clearly outlined by the relevant manager in the Flexible Working Application.

5.6 Appeal

If a staff member feels that their request for flexible working has been unfairly refused they should discuss the issue with the manager who has made the decision in the first instance.

If the staff member subsequently, wishes to make a formal appeal, this must be done in writing, within, as a guide, **7** days after receiving the outcome – see template in Flexible Working Pack – Flexible Working Outcome document [link](#)

- The appeal should clearly state why the staff member feels that the original application was not handled 'reasonably' and/or the staff member has new information that was not available when the original decision was made.
- Staff member should send the appeal to the named person outlined in the 'Flexible Working Outcome document, who will arrange for an appropriate person to hear the appeal.
- An appeal hearing will be held within, as a guide, **14** days after the notice of the appeal was received.

- The staff member can be accompanied at the meeting by a staff side representative or companion. The line manager can be accompanied by a People and Culture representative.
- The outcome of the appeal will be sent in writing within, as a guide, **14** days of the meeting using the Flexible Working Outcome document
- There is no further right to appeal



Grievances/concerns raised about the process will be addressed at the appeal hearing and not through the Grievance process.

If an individual appeals against the decision, any appeal must be heard by either an independent person of the same grade, but in a different service i.e. Head of Service or a more senior manager than who rejected the flexible working request i.e. Director/Deputy Director.

5.7 Withdrawal of request

Staff members must withdraw requests in writing. Should a staff member fail to attend two pre-arranged meetings to discuss the request (including an appeal), without sufficient reason, the application will be deemed to be withdrawn.

5.8 Monitoring of flexible working requests

The trust will monitor the flexible working request applications for the purposes of ensuring the procedure is equitable and fair, this will include:

- Monitoring of applications in line with the protected characteristics will be undertaken to establish equity of access to the procedure
- Monitor the applications made across the trust, the number of applications approved and refused to ensure greater consistency of access to flexible working.

6 Definitions

Term	Definition
Part Time Working	Any contracted hours that are less than the full time equivalent.
Job Share	An arrangement where two employees share the duties and responsibilities of one full time post by mutual agreement between themselves and their manager. Pay and benefits will be divided between them on a pro-rata basis.
Flexi Time	Allows employees to vary their actual working hours outside of core times e.g. enabling employees to vary their start and finish times
Time Owing	Any time spent working over the normal hours for that period of duty.
Compressed Hours	Allows employees to work longer days e.g. fitting 37.5 hours per week into 4 working days instead of 5 working days.
Annualised Hours	A number of contracted hours are agreed over a yearly period, staff receive a consistent level of pay each week although their hours may fluctuate during the period.
Flexible Rostering	Team based rostering means that staff have more input into the rostering and it is not only the manager who decides the roster. Staffing levels and skill mix are pre agreed and staff have more flexibility to schedule their work accordingly.
Term Time Working	Usually considered where school holiday breaks coincide with a dip in activity levels for the service. Staff can work during term time only and their salary is spread across 12 equal payments throughout the year, taking into account the reduced weeks worked throughout the year.
Option for staff to Increase Annual Leave	Gives staff who would like to purchase an additional 5 to 10 days annual leave entitlement (pro rata) the option to do so in a way that equalises financial consequences of that extra annual leave throughout the year.
Retire and Return	Staff who have reached a minimum pension age can request to retire – claim their pension benefits and return to NHS employment. For further information and other Pension options available please refer to Retirement and Long Service Recognition Procedure.

7 How this procedure will be implemented

- This procedure will be published on the Trust’s intranet and external website.
- Line managers will disseminate this procedure to all Trust employees through a line management briefing.
- Support will be available from Operational HR / People and Culture to all staff and managers who may feel they require further guidance when considering requests for Flexible Working.

7.1 Implementation action plan

N/A

7.2 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
N/A			

8 How the implementation of this procedure will be monitored

The trust will monitor the flexible working request applications for the purposes of ensuring the procedure is equitable and fair, this will include:

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	Monitoring of applications in line with the protected characteristics to establish equity of access to the procedure	Operational HR / People and Culture	TBC

2	Monitor the number of applications made across the trust, the number of applications approved and refused to ensure greater consistency of access to flexible working	Operational HR / People and Culture	TBC
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9 References

- NHS pensions
- Working Time Regulations 1998
- Employee Guidance on Flexible Working Requests
- Manager Guidance on Flexible Working Requests
- ACAS Guidance on Flexible Working
- Working Time Regulations 1998
- Agenda for Change Terms and Conditions of Service

10 Document control (external)

To be recorded on the procedure register by Policy Coordinator

Date of approval	14 February 2022
Next review date	14 February 2025
This document replaces	HR-0045-v4
This document was approved by	PWG 28 January 2022
This document was approved	JCC 14 February 2022
This document was ratified by	n/a
This document was ratified	n/a
An equality analysis was completed on this procedure on	19 January 2022
Document type	Public
FOI Clause (Private documents only)	n/a

Change record

Version	Date	Amendment details	Status
v5	14 Feb 2022	Full review with minor amendments:- <ul style="list-style-type: none"> • Clarified escalation process in line with NHS employers guidance; • If request for flexible working is linked to a reasonable adjustment request this should be applied via the Workplace Adjustment Procedure; • Simplified language; • Transferred to new template 	Published

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Appendix 1 - Equality Analysis Screening Form

Please note: The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet

Section 1	Scope
Name of service area/directorate/department	People and Culture – Operational HR
Title	HR-0045-v4 – Flexible Working Procedure
Type	Procedure
Geographical area covered	Trust wide
Aims and objectives	To ensure that all requests for flexible working are considered equitably, fairly, consistently and in line with Trust values.
Start date of Equality Analysis Screening	13 September 2021
End date of Equality Analysis Screening	19 January 2022

Section 2	Impacts
Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	Staff, managers and services.
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups?	<ul style="list-style-type: none"> • Race (including Gypsy and Traveller) NO • Disability (includes physical, learning, mental health, sensory and medical disabilities) NO • Sex (Men, women and gender neutral etc.) NO • Gender reassignment (Transgender and gender identity) NO

	<ul style="list-style-type: none"> • Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual etc.) NO • Age (includes, young people, older people – people of all ages) NO • Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO • Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave) NO • Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO
Describe any negative impacts	None identified.
Describe any positive impacts	Whilst we currently do not have any evidence of any negative impact the procedure may have, the new approach allows the People and Culture / Operational HR department the opportunity to review the outcome of all flexible working requests to ensure there is a consistent approach across the organisation. This will ensure that the process does not negatively impact on any of the above protected characteristics. It will also allow the Trust to identify any themes in relation to flexible working requests and their outcomes.

Section 3	Research and involvement
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	<ul style="list-style-type: none"> • NHS pensions • Working Time Regulations 1998 • ACAS Guidance on Flexible Working • Agenda for Change Terms and Conditions of Service • Local feedback from grievances / investigations
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes

If you answered Yes above, describe the engagement and involvement that has taken place	Policy working group, JCC
If you answered No above, describe future plans that you may have to engage and involve people from different groups	N/A

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	Yes
Describe any training needs for Trust staff	Awareness sessions for staff and managers
Describe any training needs for patients	N/A
Describe any training needs for contractors or other outside agencies	N/A

Check the information you have provided and ensure additional evidence can be provided if asked

Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

	Title of document being reviewed:	Yes / No / Not applicable	Comments
1.	Title		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2.	Rationale		
	Are reasons for development of the document stated?	Yes	
3.	Development Process		
	Are people involved in the development identified?	Yes	
	Has relevant expertise has been sought/used?	Yes	
	Is there evidence of consultation with stakeholders and users?	Yes	
	Have any related documents or documents that are impacted by this change been identified and updated?	Yes	
4.	Content		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are supporting documents referenced?	Yes	
6.	Training		
	Have training needs been considered?	Yes	
	Are training needs included in the document?	Yes	
7.	Implementation and monitoring		

	Title of document being reviewed:	Yes / No / Not applicable	Comments
	Does the document identify how it will be implemented and monitored?	Yes	
8.	Equality analysis		
	Has an equality analysis been completed for the document?	Yes	
	Have Equality and Diversity reviewed and approved the equality analysis?	yes	
9.	Approval		
	Does the document identify which committee/group will approve it?	yes	
10.	Publication		
	Has the policy been reviewed for harm?	N/A	
	Does the document identify whether it is private or public?	Public	
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	N/A	

Appendix 3 – What are the different types of flexible working?

Definitions of each type of flexible working can be found at section [6 – Definitions](#).



Listed below are the types of flexible working arrangement available within the Trust:

- Part Time Working
- Job Sharing
- Flexi Time
- Time Owing / Overtime
- Compressed Hours
- Annualised Hours Contracts
- Flexible Rostering
- Term Time Working
- Option of Buying Additional Annual Leave – **Please refer to the Option for Staff to Increase Annual Leave Allowance Procedure for further information**
- Career Break scheme – **Please refer to the Special Leave Procedure for further information on this scheme**
- Retire and Return to Work – **Please refer to the Retirement and Long Service Recognition Procedure for further information.**

3a Part Time Working

This can be any contracted hours that are less than full time and can be varied from day to day or week to week depending on the local agreement made.



Part Time Working Regulations 2000 need to be considered and adhered to so that part time staff enjoy the same access to opportunities within employment as their full-time colleagues.

3b Job Sharing

There are several ways of starting a job share scheme. Different procedures apply to the various situations described in the table below:

Situation	Procedure
<p>You request to job share</p> <p>Or</p> <p>A single applicant for a full time advertised post wishes to job share</p>	<p>Your line manager will agree with the you the terms and conditions of the scheme and then advertise the vacant part of the post. You are expected to continue to work the total hours of the post until a job share partner is recruited. If reasonable time has been taken and it has not been possible to recruit a suitable partner, then your line manager may reconsider the suitability of the post as a job share.</p>
<p>Two existing employees request to job share</p> <p>Or</p> <p>Two people apply together and are appointed to a full time advertised post</p>	<p>The manager will meet with the employees and agree the terms and conditions of the scheme.</p>

3c Terms and Conditions of a Job Share



The success of job sharing depends on the flexibility and joint commitment/responsibility of the sharers. The following areas need to be considered and agreed in writing by all parties before the start of job sharing.

Terms and Conditions	Information
<p>Contract of Employment</p>	<ul style="list-style-type: none"> • Your contract of employment will clearly state “Job Share”. • A new job description will be issued, clearly outlining which duties are shared/overlap and which are your personal responsibility. • A reminder that both members of staff are liable to carry out full range of duties and responsibilities and both are individually accountable.

Working Arrangements – hours	<ul style="list-style-type: none"> Your line manager must agree with the partners how the hours will be split between the two sharers. This can be varied with the agreement of your line manager and can include split days/weeks or alternate weeks. The total hours of the post must equate to the full time hours of the post, unless agreed otherwise by your line manager.
Overtime / Rates of Pay	<ul style="list-style-type: none"> Any overtime undertaken by either partner will be at plain time rates, i.e. one covers for the others absence they will be paid at plain time rates.
Absence of one of the partners	<ul style="list-style-type: none"> Sometimes, your line manager may require the partners to provide cover in the absence of the other. If so, it will be discussed at the time of the appointment and, where possible, reflected in the conditions attached to the post.
Car /Telephone Expenses	<ul style="list-style-type: none"> If applicable both sharers will be paid an allowance for telephone rental and allowances for car expenses. The rate and if a lease car is appropriate are subject to the current regulations at the time and are dependent on miles travelled / usage and will be assessed on an individual basis for each of the partners.
Promotion and Transfer for Full Time Work	<ul style="list-style-type: none"> Job sharers may apply for promotion on equal terms with full time employees, either individually or jointly, except where the post is deemed not suitable for job sharing.
Communication	<ul style="list-style-type: none"> Job sharers are responsible for maintaining communication for the effective running of the post. Sometimes overlap time may be needed.
Termination of Arrangements	<ul style="list-style-type: none"> Should one of the job sharers wish to resign or the job share arrangement is terminated, the other job sharer should be offered the post on a full time basis. If they do not wish to work the full time hours of the post, the post will be advertised as a Job Share. A reasonable attempt to recruit a sharer will be made; e.g. up to 2 advertisements within a 6 month period. If advertising for the Job Share is not successful, the remaining job sharer will be informed that the post will re-advertised on a full time basis and every effort should be made to transfer the individual to an alternative part time post. Any termination of a Job Share agreement must be agreed with the HR department before action is taken. Your line manager should clearly demonstrate why the job share arrangement has failed.

3d Flexitime

The flexi-time scheme may be available to full and part time staff. Flexi-time does not apply to staff who are required to work in a 24 hour rostered system or where fixed hours are required.

Key principles

- You must cooperate to ensure that adequate and acceptable staffing levels are maintained and that there is no detriment to service needs as a result of your request to take flexi-time.
- Adequate notice must be given for all flexi-time requests. You must seek your line manager's permission for each occasion. This will not be unreasonably withheld.
- Your line manager can request you to work additional hours to meet service needs; reasonable notice will be given.
- Your line manager is responsible for monitoring working hours and flexi-time to ensure this does not reach an unacceptable level.
- Travel time over and above that normally involved in the home to office will be included as worked time.
- You should use your flexi-time for non-emergency GP, dental and similar appointments during "non-core" times. Time off for emergency dental, medical and similar appointments (including hospital appointments) may be taken during core time with the agreement of your line manager.
- Core hours should be agreed by the Directorate/appropriate Service Manager and the team must not disrupt the functioning of the department or other departments.



Both you and your line manager must ensure that accurate recording of hours takes place and that there is an effective monitoring system in place to undertake this.

Flexi-time guidance and completion of timesheets can be found within [Appendix 8](#).

3e Time Owing

The time owing scheme is available to full and part time staff. Time owing can apply to those staff working in a service which requires working in a 24 hours service provision or in a system where flexi-time is not appropriate, but staff may work beyond their normal fixed hours in an emergency or to meet the needs of the service

Key principles

- You must cooperate to ensure that adequate and acceptable staffing levels are maintained and that there is no detriment to service needs as a result of your request to take time owing
- Adequate notice must be given for all time owing requests. You must seek your line manager's permission for each occasion. This will not be unreasonably withheld.

- Your line manager can request staff to work additional hours to meet service needs; reasonable notice will be given.
- Your line manager is responsible for monitoring working hours and time owing to ensure this does not reach an unacceptable level.
- You are expected to fulfil the duties required of them within the hours permitted by the flexible working arrangements.
- Travel time over and above that normally involved in the home to office will be included as worked time.
- You should use your time owing for non-emergency GP, dental and similar appointments during “non-core” times. Time off for emergency dental, medical and similar appointments (including hospital appointments) may be taken during core time with the agreement of management.
- Core hours should be agreed by the Directorate/appropriate Service Manager and the team must not disrupt the functioning of the department or other departments.

A time owing sheet can be found in [Appendix 9](#)

3f Time Owing and Overtime

Key Principles:

- If you are unable to take time off in lieu for operational reasons within 3 months, you must be paid at overtime rates in accordance with the Agenda for Change Handbook.
- Your line manager should ensure that they consider and ensure compliance with the Working Time Regulations 1998 when asking you to undertake overtime.
- If you work over 48 hours per week you should complete an “Individual Opt Out Form” ([hyperlink](#))
- You should not be asked to work overtime when on annual leave unless there are exceptional circumstances. Should this exceptional situation arise the hours would not be paid at overtime and the annual leave would be substituted for a normal working day and the annual leave would be available to take at a later date.
- If you terminate your employment you should ensure that there are no hours owing/owed by the last day of work.
- Overtime only applies to bands 1 – 7

3g Compressed Hours

Key Principles:

Compressed hours allows you to work longer days e.g. 9 days per fortnight rather than 10 days per fortnight. The day off can be agreed as a fixed day or as a flexible day depending on the needs of the service.

3h Annualised Hours

Annualised hours schemes aim to achieve a better match between supply and demand for services by distributing hours on an annual basis to coincide with the needs of the service. These schemes are particularly useful in services which have a predictable fluctuation in activity levels over different periods.

3i Flexible Rostering

Team based rostering means that you have more input into the rostering and it is not only your line manager who will be involved in determining the roster. Your line manager however will need to approve the roster. Staffing levels and skill mix are pre agreed and you have more flexibility to schedule their work accordingly.

The Trust currently uses Health Roster and the associated Staff Rostering Policy for some staff but for staff who do not utilise Health Roster, flexible rostering can also apply e.g. non clinical staff or community staff.

A number of factors need to be considered before introducing flexible rostering schemes and advice should be sought from the Operational HR / People and Culture Department and Nursing Directorate in the first instance.

3j Term Time Working

Term time working may be considered in services where school holiday breaks coincide with a dip in activity levels for the service. You may be able to work during term time only and your salary is spread across 12 equal payments throughout the year, taking into account the reduced weeks worked throughout the year.

The [Term Time Calculator](#) will provide guidance for full time (FT) and part time (PT) staff on a term time only (TTO) contract, this guidance is based on a full financial year.



Where term-time working is used in an area, careful consideration would need to be given where services are provided all year round.



It is important to note that where a term time employee commences or terminates employment or a term time contract, during the course of the financial year April to March a recalculation will be undertaken to ensure correct payment is made. Any over/under payment is recovered/paid. Please contact the Trust Payroll Department for further guidance.

3k Option for staff to Buy Additional Annual Leave

You can make a formal request to buy one or two weeks' additional annual leave, spreading the cost of the annual leave over a whole year.

- This will be made in writing to the Head of the Department
- You will require permission from the Head of Department to take the annual leave at a mutual convenient time in accordance with the requirements of the service
- This will then need to be approved by the Head of Service and Director of Operations
- For Corporate Directorates, this will be the Executive Management Team.
For Medical Staff, this will be the Associate Clinical Director and Clinical Director.

N.B Refer to the ['Option for Staff to Increase Annual Leave Allowance Procedure'](#) for further information.

Appendix 4: Flexible Working Application Form

Before completing this form, you may find it helpful to consider the options available to you and you should discuss these informally with your manager. Please refer to the “Employee Guidance on Flexible Working” to help you complete this application.

It will help your line manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all questions, as otherwise your application will not be valid. When completing the form, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

As it may take up to 3 months for a request to be considered and a decision made, you should ensure that your application is submitted well in advance of the date you wish the request to take effect from.

The completed form should be passed to your line manager (you should also keep a copy). Your line manager will then arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions, unless otherwise agreed.

• SECTION 1 - PERSONAL DETAILS

NAME	
JOB TITLE	
BASE	
DIRECTORATE	
DEPARTMENT	
PAYROLL NO	

State when you would like this proposed working pattern to commence from? (The proposed date should give adequate time for the application to be seriously considered in line with the timescales set out in the process i.e. this can take up to 3 months)

Are you asking for a temporary change to your working arrangements?

YES/NO

If yes, please state the date upon which you would like the arrangement to cease. The maximum temporary period allowed is 12 months

What impact do you think the proposed change to your working pattern will have on your role and colleagues?

Your role:

Your colleagues

How could you foresee that any impact on your role and colleagues can be alleviated? – Outline your thoughts

Explain whether you would be willing to work in a different location, if so, how far would you be prepared to travel?

• SECTION 3 – EQUALITY ACT 2010

Please note all flexible working requests will be monitored by the Trust using your demographic data recorded in ESR. This allows us to monitor requests linked to equality / protected characteristics.



If your flexible working request is due to your disability or long term health condition, this request should be considered via the Workplace Adjustments procedure.

• SECTON 4 – PERSONAL DECLARATION

I confirm that I have read and understood the Trust’s flexible working procedure and supporting guidance	<input type="checkbox"/>
I understand that if I fail to provide all the required information as set out in the application form, your line manager will inform you of the omission(s) and ask for the application form to be fully completed and resubmitted	<input type="checkbox"/>
I understand that if the request is accepted, this will involve a permanent change to my terms and conditions of employment and there is no right to revert back to my previous working pattern, (unless a temporary arrangement has been agreed in writing)	<input type="checkbox"/>
I understand and accept that as part of my flexible working request, I consent to attend <ul style="list-style-type: none"> any face to face statutory and mandatory training e.g. PAT training and will make appropriate arrangements to ensure that I can attend the full programme i.e. 5 days training 	<input type="checkbox"/>
I understand and accept that as part of my flexible working request, I consent to attend planned clinical and management supervisions, this may require me to attend outside my flexible working arrangement. Any time to attend planned clinical and managerial supervisions will be deemed as working time and will be recompensed as time owing.	<input type="checkbox"/>

Your signature	
Print Name	
Date	

Line Manager’s signature	
Print Name	
Date application received –	<p>This is the date that will be used to establish if the request, including any appeal, has been considered and decided upon within 3 months of receipt.</p> <p style="text-align: right;">Date: _____</p>

• SECTION 5 - FLEXIBLE WORKING DECISION

Requests to work flexibly must be considered objectively and they can only be refused if there are business reasons for doing so. Prior to reaching any decision the line manager must refer to the Guidance for Managers, this gives examples of requests considered under each of the business reasons i.e.

- Burden of additional costs
- Detrimental effect on ability to provide cover / service
- Inability to re-organise work amongst other staff
- Inability to recruit additional staff
- Detrimental impact on quality or performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural change
- Other grounds that the Secretary of State may specify by regulations.

If appropriate, please refer to your People and Culture, Operational HR representative for further advice

A) LINE MANAGER'S DECISION – ACCEPT

PLEASE SEND A COPY OF THIS FORM TO THE OPERATIONAL HR TEAM, FLATTS LANE CENTRE (email: TEAWVNT.HRoperations@nhs.net)

Confirm if request is accepted	YES/NO (If No, go to B)
Please state the date the change in working pattern comes into effect:	
Confirm if this is a permanent/temporary change or trial period, if temporary / trial please state relevant dates.	
First review to take place in 3/6 months, - insert review date:	

Note: Your line manager may need to review these arrangements at any point in time should the business needs change and/or if the arrangements agreed have a detrimental impact on service provision. In these circumstances your line manager will need to consult with you accordingly, in line with the organisational change procedure

If the request is accepted, confirm below the details of the flexible working agreed and timescales (if permanent or otherwise)

B) LINE MANAGER'S DECISION – NOT ABLE TO AGREE TO REQUEST
LINE MANAGER TO FORWARD THE SIGNED FORM TO NEXT LINE MANAGER ABOVE
FOR THEIR CONSIDERATION

PLEASE SEND A COPY OF THIS FORM TO THE OPERATIONAL HR TEAM, FLATTS
LANE CENTRE (email: TEAWVNT.HRoperations@nhs.net)

- If agreement cannot be reached with your line manager, they should complete the section below, and forward your application to next line manager above to consider:

Line Manager to summarise key discussions, options considered and rationale for not agreeing request.	
Line Manager's signature	
Line Manager's print name	
Date	

**C) DECISION FOLLOWING ESCALATION TO NEXT LINE MANAGER
MANAGER TO FORWARD THE SIGNED FORM TO NEXT LINE MANAGER ABOVE FOR
 THEIR CONSIDERATION**

**PLEASE SEND A COPY OF THIS FORM TO THE OPERATIONAL HR TEAM, FLATTS
 LANE CENTRE (email: TEAWVNT.HRoperations@nhs.net)**

Has agreement been reached on flexible working? YES / NO (If Yes, please confirm the details of the arrangement below:		
Please state the date the change in working pattern comes into effect:		
Confirm if this is a permanent/temporary change or trial period, if temporary / trial please state relevant dates.		
First review to take place in 3/6 months, - insert review date:		
If the request is accepted, confirm below the details of the flexible working agreed and timescales		

If the next line manager is unable to agree to your request they must clearly set out their reasons below.

Please tick which business reason(s) support your decision. Tick all that apply

Burden of additional costs	<input type="checkbox"/>	Specific detail
Detrimental effect on ability to provide cover / service	<input type="checkbox"/>	Specific detail
Inability to re-organise work amongst other staff	<input type="checkbox"/>	Specific detail
Inability to recruit additional staff	<input type="checkbox"/>	Specific detail
Detrimental impact on quality or performance	<input type="checkbox"/>	Specific detail
Insufficiency of work during the period the employee proposes to work	<input type="checkbox"/>	Specific detail

Planned structural change	<input type="checkbox"/>	Specific detail
Other grounds that the Secretary of State may specify by regulations.	<input type="checkbox"/>	Specific detail

What other options have been discussed and summarise the outcome of these discussions below?

Line Manager's signature		
Line Manager's print name		
Date		

• **SECTION 7 – THE APPEAL**

PLEASE RETURN THE SIGNED FORM TO THE OPERATIONAL HR TEAM, PEOPLE AND CULTURE, FLATTS LANE CENTRE


Should you wish to appeal this decision, you must complete the information below, clearly stipulating upon what grounds you are requesting an appeal. Your appeal should be sent to **insert name** within 7 days of receipt of the outcome

I wish to appeal the outcome of my flexible working request which I received on **insert date**

Please tick the reason upon which you are making your appeal. Tick all that apply		
Your original application was not handled reasonably	<input type="checkbox"/>	Specific detail
You have new information that was not available when the original decision was made	<input type="checkbox"/>	Specific detail
Your signature		
Your print name		
Date		

• **SECTION 8 – OUTCOME OF THE APPEAL**

Your original application was not handled reasonably	Upheld or not upheld	Specific detail
You have new information that was not available when the original decision was made	Upheld or not upheld	Specific detail
Appeal Manager's signature		
Appeal Manager's print name		
Date		

 **There is no further right of appeal after Section 8.**

Appendix 5 – How does the process work?

The timescales below are recommended in order to meet the requirement by law that requests to work flexibly including appeals must be considered and a decision taken within a **3 month time** period. Should you not be able to adhere to this requirement, your line manager must discuss and agree to an appropriate extension

In brief summary the key steps are:

STEP 1 – Informal discussion between you and your line manager

STEP 2 – Apply in writing (complete Appendix 3)

STEP 3 – Line Manager arranges to meet you to discuss your application

STEP 4 – Meeting takes place

STEP 5 – Line Manager may need to seek advice if appropriate, ie from Operational HR / People and Culture.

STEP 6 – If your Line Manager does not feel they are able to approve your request, they should escalate your application to the next line manager to check for other possible solutions and also for consideration across the wider Directorate/Locality.

STEP 7 – The next line manager notifies your Line Manager of the outcome of the application at a wider level


STEP 8 – Your Line Manager notifies you of the outcome of your application

STEP 9 – Depending on the outcome, you may wish to exercise your right of appeal

STEP 10 – Submit your appeal

STEP 11 – Meeting to hear your appeal is held

STEP 12 – Outcome of appeal communicated



The whole process must be completed within a 3 month period. If this is not possible, an extension must be agreed in writing, setting out the new timescales

Appendix 6 - Employee Guidance on Flexible Working Requests

Considerations before applying to work flexibly

As a new working pattern will normally be a permanent change unless otherwise agreed, it is important to think carefully about your request as you will have no right to revert back to your former working arrangements.

Think about the date when you would like your new working pattern to begin. Be aware that the process can take up to 3 months to complete and sometimes longer where a problem arises. Refer to the flowchart in the Flexible Working Procedure for a summary of the timescales involved.

Remember, if you request a flexible working pattern that will result in you working fewer hours, your pay and annual leave will reduce too (and there may be other financial implications such as reduced pension benefits).

There are many different ways to work flexibly. Your request may be as simple as asking to start half an hour later than usual to allow you to drop your child off at school. Or, it may be a bigger change to your hours, for example a request to work compressed hours in order to undertake a course of part-time study.

If your request for a flexible working pattern is to enable you to care for your child after you return to work from maternity leave, think carefully about when to make your request. You might wish to mention to your manager before you take leave that you are interested in applying to work flexibly on your return. Bear in mind that you may need to attend meetings with your manager so that your request can be properly considered. If you want the changes to start on your return from maternity leave, you should make your application in line with the timescales outlined in the Maternity Procedure

If you decide to make an application, you should talk to your line manager informally in the first instance. This will enable you both to think through some of the implications and how these might be addressed before you make the formal application.

Making the application

Make sure your application is on the appropriate form, and fully completed. The level of detail required will depend on the desired changes to the existing working pattern.

However, in all cases it is in your interest to be as clear and explicit as possible.

Remember, the more notice you provide, the more likely we will be able to implement the change, if agreed, when it suits you.

It is to your advantage to provide as much detail as possible about the pattern you would like to work.

Think about what effect changing your working pattern will have on your job. You should aim to show in your application that your plans will not harm the Trust's operational ability to deliver a service and may in fact enhance it. It may mean that you are available to provide extra cover at peak hours, thereby improving patient experience.

Take time to consider how your colleagues will manage if your working pattern is changed. If you have any colleagues or friends who are already working flexibly, ask them about their experiences.

If your request is to reduce your hours think carefully about how this might be accommodated.

Think about how any potential problems your plans may present to the Trust and the service your team provides could be overcome and ensure that you include these in your application. For example, it may mean that you will not be in work when the office opens, which could impact on services. What effect will this have on your team, and how could it be managed? If you are applying to reduce your hours, what suggestions can you put forward for how some of your hours, duties or workload might be covered?

The Equality Act 2010 prohibits discrimination because of an individual's protected characteristics, including disability, sex, pregnancy and maternity. Therefore, if for example, your request to work flexibly is a reasonable adjustment for a disability, you should refer to the Workplace Adjustments Procedure on the Intranet.

Ensure that you submit your application to your Line Manager. If the person is absent it may be necessary to send it to an alternative manager e.g. your line manager's line manager. Your line manager will expect that you have given serious consideration and offered solutions to accommodate your request for flexible working, if this is not completed your application may be returned highlighting the omission(s) and asking you to resubmit.

The meeting

You should be prepared to expand on any points within your application.

You should prepare to be flexible. Your line manager may ask if there are any other working patterns you would be willing to consider or if you would consider another start date or a trial period.

If you are taking a staff side representative or companion along, make sure they are fully briefed on your request beforehand, provide them with a copy of your application, and inform your line manager of the name of the person who will be present. This will save time during the meeting. The role of your staff side representative or colleague is to support you and, for example, help alleviate any nervousness. They may also have some expertise about different types of flexible working.

If the manager is not able to agree to your request, they will forward your request to the next line manager to review the information. The next line manager will consider the information and review options including any other solutions. They may request to meet with you, your companion and the first line manager if they deem necessary.

You will be informed of this decision in writing.

Right of appeal against a decision

If you feel that your request for flexible working has been unfairly refused, you can submit an appeal as per section 8 of the Flexible Working application form.


Withdrawing your application

If you wish to withdraw your flexible working request, then please do so in writing.


Appendix 7 – Managers Guidance on Flexible Working Requests

Please note: Whilst an employment tribunal cannot challenge the reasonableness of a decision not to grant a flexible working request, it can dispute whether a correct process was followed to come to that decision, or whether that decision was based on correct facts. It may also dispute if clear business grounds were the rationale for the refusal

A great employer needs to be able to offer flexible working arrangements that allows staff to change their working arrangements for different purposes and to accommodate different requirements at different stages in life. Should we not be able to accommodate these requests, where possible means, that we don't just lose valuable staff, we also lose their experience, knowledge, skills and expertise. As a result we would encourage you to give serious consideration to every application received, using the advice provided in the link below.

 If a staff member requests a flexible working pattern due to their disability or long term health condition, this should be considered via the Workplace Adjustments procedure.

In addition, please discuss with your Operational HR/ People and Culture representative who will be in a position to provide the relevant HR advice and support.

 If a flexible working request involves a change to contracted hours, it is the managers responsibility to update ESR accordingly.

Appendix 8- Guidance for Flexitime and Completion of Timesheet

1. Core hours should be agreed by the directorate or service manager and the team and must not disrupt the functioning of the department or other departments. Adequate and acceptable staffing levels must be maintained, subject to approved or unavoidable absence. It is the responsibility of staff and managers to maintain adequate and acceptable cover. An example of a flexible working arrangement could be as follows:

Flexible Time

Morning - 8.00 am to 9.30 am

Lunch - 12 noon to 2.00 pm

Afternoon - 4.00 pm to 6.00 pm

Core Time

Morning - 9.30 am to 12 noon

Afternoon - 2.00 pm to 4.00 pm

Lunch Time

Minimum - 30 minutes Maximum - 2 hours

2. An employee may start and finish work at any time within the flexible periods subject to the needs of the working of the employee's section. In this example a minimum period of 30 minutes must be taken at lunch break and should be shown on the flexi-time sheet (minimum break should be 20 minutes).
3. Flexitime should be recorded in 5 minute periods and should be the hours the employee actually works.
4. Employees are expected to ensure that their contracted hours are averaged over each accounting period.
5. Staff must liaise with their supervisor / line manager to ensure that cover is provided during normal office hours and advise expected times of arrival and departure for the following two days to assist in the planning of work if times are likely to vary from their norm.
6. All authorised leave should be credited as the normal full time working day for the discipline and ½ the normal full time hours for the discipline for a half day's leave (pro rata for part time staff).

7. In the case of whole days where holidays, sick leave, etc. are taken no times need be entered in the a.m. or p.m. columns and the credit in attendance column for that day will be 7.30. In the case of half days, times will have to be entered in the a.m. or p.m. columns, whichever is appropriate and the credit in the attendance column for that day will be the hours worked plus 3.40 (pro rata for part-time staff)

In such cases the following abbreviations should be entered in the "Absence Code" column (ABS).

P - Public/Statutory Holiday H - Annual Leave

T - Training/Day Release S - Sick Leave

A - Other Authorised Absence U - Unpaid Leave

CL - Compassionate/Special Leave O - Other

FL - Flexi-Leave

8. Flexi-leave should be entered in the "Absence Code" column as FL and the hours worked entered as 0 in the attendance column.
9. At the end of the 4 week period the final debit/credit figure should be entered as the carried forward figure.
10. When the new form for the next accounting period is started this figure should be entered in the "Credit/Debit Brought Forward" box above the Total Credit/Debit box, into which it should be included on Day 1.
11. At the end of each four week period the Record Sheet should be checked by the Manager. At the end of the accounting period the Record Sheet should be handed in to the Manager.



Appendix 9 - Flexi-time sheet

NAME: Department: PERIOD: From: To:

Week 1

Week 2

Day	Start Time	Meal Break From To	Finish Time	Abs Code	Total Time Worked	Day	Start Time	Meal Break	Finish Time	Abs Code	Total Time Worked
Mon						Mon					
Tues						Tues					
Wed						Wed					
Thur						Thur					
Fri						Fri					

Total Time for Week
 Standard Week
 Credit/Debit Brought Forward
 Total Credit/Debit

Total Time for Week
 Standard Week
 Credit/Debit Brought Forward
 Total Credit/Debit

Employee Signature:

Date:

Certified Correct (Line Manager):

Date:



Week 3

Week 4

Day	Start Time	Meal Break From To	Finish Time	Abs Code	Total Time Worked	Day	Start Time	Meal Break	Finish Time	Abs Code	Total Time Worked
Mon						Mon					
Tues						Tues					
Wed						Wed					
Thur						Thur					
Fri						Fri					

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Total Time for Week
Standard Week
Credit/Debit Brought Forward
Total Credit/Debit

Employee Signature:

Date:

Certified Correct (Line Manager):

Date: