

# Flexible Working Policy

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<p><b>To be read in conjunction with the following documents:</b>  Special Leave Policy  Maternity, Paternity, Adoption, Shared Parental and New Expectant Mother Leave Policy  Grievance Policy</p>		
<b>CQC Fundamental Standard: Required CQC evidence:</b>		

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### Policy Statement

The purpose of the Flexible Working Policy and Procedure is to set out arrangements for handling flexible working requests. The policy and procedure also details the responsibilities of managers and employees.

The Trust acknowledges that at different stages in their lives, employees will have varying responsibilities outside of work. People work best when they are able to successfully balance work and other aspects of their lives. Flexible working aims to help employees achieve this balance. The Trust requires managers to take a creative and innovative approach to working patterns. It also expects employees to behave responsibly when making requests, recognising service needs, and the needs of other members of the team.

Additional benefits of flexible working include an increase in staff motivation, reduced absence, attraction of new talent, retention of staff with valued skills and experience, and improvement in overall business efficiency and performance.

While the Trust supports the principles of flexible working, service provision, patient needs must always take priority. Therefore, employees must be aware that the full range of flexible working options will not be appropriate for all jobs across all areas of the Trust, so it is likely that not all requests for flexible working or career breaks will be approved. Requests will not be approved if they have an adverse impact on the service, other members of the team, or incur additional cost.

The Flexible Working Regulations 2014 introduced the right for employees with 26 weeks continuous employment with the Trust to request a change to their work pattern or number of hours they work. It is the Trust's policy to seriously consider all applications for flexible working and any request which is not granted must be based on the business reasons outlined in the Regulations. Decisions on whether to grant requests will be made fairly and objectively, taking business needs into account. The Flexible Working Regulations only apply to all flexible working

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requests with the exception of Career Break where an employee has to have 12 months continuous employment with the Trust.

## Executive Summary

Milton Keynes NHS Foundation Trust is committed to supporting initiatives that make a difference to the work-life balance of its employees. The Trust recognises that in order to recruit and retain high quality staff, it needs to take a flexible approach, by applying modern employment practices, that recognise that employees need to strike a balance between their home and work life.

The Trust has a responsibility to deliver healthcare 24 hours a day, 365 days a year. Wards and departments need to be staffed to acceptable levels at all times and employees need to be flexible to respond to service needs. There is however scope for employees to be able to work flexibly to take into account their personal circumstances and commitments throughout their employment.

This policy sets out the guiding principles for ensuring that requests for flexible working are dealt with in a fair, timely and consistent way across the Trust.

## Scope of document

This Policy and Procedure applies to all employees of the Trust who have 26 weeks continuous service with the Trust. It does not cover agency workers, students, doctors in training, contractors or volunteers.

To ensure fairness and equity the Trust sees the opportunity to request flexible working arrangements as a natural right for all members of staff regardless of their parental or carer status. The right to request flexible working arrangements is therefore available to all staff who have 26 weeks continuous service with Milton Keynes NHS Foundation Trust.

In accordance with the Equality Act (2010) this policy supports the principles of equality and diversity and no individual will be treated less favourably than others because of any of the following protected characteristics:

- Age
- Gender
- Ethnicity
- Disability
- Religion / Belief
- Sexual Orientation
- Pregnancy / Maternity
- Marriage / Civil Partnership
- Gender Re-assignment status

## Abbreviations used

None

## Definitions

None

### 1.0 Roles and Responsibilities:

#### 1.1 Roles and responsibilities

#### 1.2. Manager Responsibilities

- To ensure that employees are aware of the Flexible Working Policy
- To seek support from the Human Resources Department when an employee applies for flexible working
- To deal with flexible working requests in a timely way as the law requires the consideration process to be completed within 3 months of first receiving the request, including any appeal
- To monitor and review the effect of flexible working on the service
- To hold regular review meetings with employees who have flexible working arrangements on an annual basis
- To treat all applications for flexible working from employees fairly, sensitively and ensure that any personal information, including medical diagnosis, is kept in complete confidence.
- To explicitly provide reasons for not approving a flexible working request application.

#### 1.3 Employee Responsibilities

- An employee can only make one application for flexible working request in a rolling 12 months period
- To complete the appropriate application for making a flexible working request (Appendix 3)
- To comply with the Flexible Working Policy
- To attend regular reviews with the manager on an annual basis and keep them informed of any change in circumstances  
To demonstrate flexibility in order to be able to attend mandatory training

### 2.0 Safety at Work

When flexible working hours includes working outside normal working hours, it is of paramount importance that normal safety procedures are rigorously followed.

#### Implementation and dissemination of document

This policy can be accessed on the Trust's intranet.

### 3.0 Processes and Procedures

#### 3.1 Flexible Working Options

Below are the various flexible working options available to employees. Unless stated, these options may mean a permanent change to the contract of employment.

- **Part Time**

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Patterns of working part time hours vary and may include mornings, afternoons, evenings and weekends.

- **Term Time Only Working**

Term-time working is not easy to reconcile with the requirements of the organisation and these arrangements will only be considered for staff who are the main carers for school age children.

- The school holiday coincides with a natural dip in activity.
- Some of the work can be rescheduled to term-time.
- Other staff are readily available and sufficiently skilled to fill the gap.

Payment and paid annual leave entitlements received by an employee on a term time arrangement is pro-rata to a 39-week year. However, payment is divided into 12 equal instalments over the working year. At least three Quarters of annual leave entitlements must be taken during school holiday period.

- **Annualised Hours**

Annualised hours will only be available where it can be demonstrated that there will not be a significantly adverse effect on the department. There is a limit to the number of posts that can be accommodated on annualised hours.

Annualised hours will be worked flexibly and according to the needs of the service. This may include working unsocial hours, weekends and bank holidays for which enhancements will be paid. Basic salary will be payable in twelve equal monthly instalments with any enhancements payable one month in arrears. This will be paid regardless of the actual hours worked. Annual leave and bank holidays will be built into the contracted hours of pay and paid as part of the salary.

- **Flexitime**

Flexitime allows employees to work their contractual hours in a flexible way. It allows employees to vary their start and finish times around core hours with the agreement of their line manager. Contractual hours must be completed each month.

Where flexi time is offered it is important to ensure that there is adequate staff cover during normal "business hours". The definition of normal business hours has to be agreed by the departmental head. Core time is when there are demands which cannot be delayed postponed or ignored, and the taking of flexi time working is not permitted. The periods of time, which is outside of the Core time is when flexi time may be taken. However, a department /unit must have some cover throughout the whole of the time the department or unit is open, this means that a manager must receive co-operation between staff to provide this to ensure there is sufficient cover at the beginning and end of the day. The image of a department will obviously suffer if there is never anyone available after 4.30pm, simply because everyone has elected to come in early in the morning.

For example: If the normal business hours are 8.30 to 18.30, and the identified core times are 10.00-12.00 and 14.00-16.00 then the structure of the working day would be as follows:

8.30 - 10.00 Morning – Flexi time working Time  
10.00 - 12.00 Morning Core Time  
12.00 - 14.00 Flexi time working time

14.00 - 16.00 Afternoon Core Time

16.00 -18.30 Afternoon – Flexi time working time

Employees must always be present for their core hours every day, but may accumulate hours each month and take them as time off in the next month subject to a maximum carry-over of 12 hours (pro-rata for part time staff). This is not a system to extend annual leave entitlement. Credit hours in excess of 12 will be lost and will not be compensated for unless there is specific agreement by the manager prior to the 12 hour time period being exceeded.

Employees should complete their own time sheets recording all hours worked and retain these for a period of 6 months. During this time, these may be spot checked for accuracy. At the end of each month the time sheet should be clearly completed showing any excess flexitime hours accumulated. Time off for agreed credit hours will normally be granted at a time to be decided with the Head of Department. Any debit hours must be made up by the end of the following month. As this method of working is to enable sporadic appointments, such appointments should be taken outside of identified core-time. Co-operation between staff working flexi time is essential to ensure that any necessary cover is provided during the normal working hours of that department or site. The Trust reserves the right to end flexitime-working arrangements if the system is abused. Employees should be reminded that any inaccurate recording of attendance could result in disciplinary action and possibly dismissal.

Key factors in providing Flexible working time:

- Cover & Co-operation is essential to ensure that the work of the department does not suffer and that work areas are covered during normal hours of operation. Staff must agree their flexible working with their departmental head in advance and must accept that they do not necessarily have the right to insist upon working the same hours each day.
- Staff are reminded that hours of attendance should reflect the workload of the department.
- The "core time". This is the time during which all staff or a group of staff must be at work. This may vary between groups and individuals and should be identified within the department.
- Additional hours worked per week as part of this system do not attract overtime classification unless it is specifically stated as overtime. If large amounts of time in lieu are due owing to a temporary workload, then the carry forward rule may be adapted.
- **Compressed Hours**

Compressed hours are when contractual hours are worked in a shorter period than would be considered standard i.e. full time hours worked over 4.5 days a week or a 9 day fortnight rather than the standard 5 day week or 10 day fortnight. Any compressed hours arrangement must be compliant with the Working Time Directive and with agreement from the line manager.

- **Home Working**

Homeworking is when employees do their job from home, either occasionally or as a permanent working arrangement. It requires a working relationship that is based on trust and encourages employees to manage their own work.

The ability to work from home unless contractually agreed should not be permitted as a regular occurrence. The decision to allow employees to work from home must not adversely affect office/nursing cover or the workloads and stress levels of other team members e.g. increased workload, volume of telephone calls and queries.

If a request to work at home is granted, the employee must be contactable at all times during normal working hours.

- **Job Share**

Job share as opposed to part time working is a contractual arrangement where two people share one full time job between them. Job share provides an opportunity for employees to work fewer hours while maintaining their career and personal development. All jobs within the Trust are potentially eligible for job share.

- **Extended Period of Unpaid Leave**

An extended period of unpaid leave is where an employee may request to take a break from work for between one and three months without pay. Reasons may include childcare issues, caring responsibilities, study leave. During the period of unpaid leave, annual leave and bank holidays do not accrue.

It enables employees to balance their working life with their personal circumstances, without the need for resigning and then seeking employment at a later date.

Employees should put the request for extended unpaid leave in writing to their line manager, giving as much notice as possible. The manager should confirm the outcome in writing and if successful, the manager should complete a change form ('B' form).

Where an employee wishes to request a break of three months or more, this will constitute a career break, which is covered in section 5.6.

Unpaid leave is covered in greater detail in the Trust's Special Leave Policy.

## **4.0 HOW TO APPLY FOR FLEXIBLE WORKING**

An employee who wishes to apply for flexible working must complete the flexible working application form (Appendix 3) via their manager. The manager will meet with the employee to discuss their application informally within 28 days of receipt of the application. The manager can agree to the request where they feel the request can be accommodated.

The formal process should be followed where the manager believes the request cannot be accommodated.

Where a flexible request is considered formally, the employee is entitled to bring a work colleague / accredited trade union representative to the meeting. A Human Resources Adviser will attend the meeting to provide advice. The meeting can be deferred up to a maximum of 7 working days to enable the employee to obtain representation/support. Failure to attend a reconvened meeting without good reason will result in the application being treated as withdrawn.

### **4.1 Deciding on a Request**

The manager should consider the request carefully, looking at the benefits of the requested change for the employee and the business and weighing this up against any adverse impact on the service and possible effects on other employees within the department. Having considered the change, the manager must let the employee know the decision, to either:

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- Accept the request and agree a start date for the change. A review date for the flexible working arrangement must be agreed.
- Confirm a compromise agreed at the meeting or
- Reject the request, setting out clear business reasons how they apply to the application and the appeal process. The letter should explicitly provide reasons why the application was rejected.

The manager will confirm the outcome in writing within 14 days of the meeting. This time frame can be extended if mutually agreed.

#### **4.2 Business Reasons to Consider in a Request to Work Flexibly**

Requests to work flexibly must be considered objectively and can only be refused where there is a business reason for doing so. Examples include:

- The burden of additional costs
- Detrimental impact on the service provided to patients
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Where the request would have a detrimental impact on quality and performance

#### **4.3 Handling Requests in a Fair Way**

If the manager is unable to approve a request as a result of several other employees already working flexibly and any further arrangements would have an adverse effect on the department, it is good practice to ask for volunteers from existing flexible working employees to change their contracts to other arrangements thereby creating capacity for granting new requests.

#### **4.4 Trial Periods**

A trial period for any proposed flexible working arrangements can be considered if necessary in order for a final decision to be made. Where this applies an agreed extension to the statutory time limit under this procedure must be recorded in writing, making clear that it is a temporary variation to the contract of employment, signed by both parties. The original hours worked will not be lost until a final decision is reached.

If at any time the employee wishes to withdraw their application to work flexibly they must confirm this in writing to the appropriate manager.

#### **4.5 APPEAL AGAINST A FLEXIBLE WORKING APPLICATION OUTCOME**

##### **How to make an Appeal**

- An appeal will take the format of a meeting with the requesting employee and the manager who made the initial decision, (the originating manager). A friend, colleague or a union representative may also attend with the requesting employee; Human Resources representatives will also attend, one with the presenting manager, and the other with the Service Director.
- The appeal meeting - The purpose of the meeting will be to hold a structured discussion, based upon the merits of the decision of the originating manager. The Service Director will

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thus have to consider the reasonableness of the decision of the originating manager in light of the needs of the service; the significance of the changed working hours and the requirement to retain and protect investments made to staff. Confirmation of the appeal

- The letter explaining the decision made by the originating manager and the letter of appeal from the appellant will form the basis of the discussion. The Service Director will provide these when arranging the appeal meeting. Additional material from originating manager and appellant may be provided, but this must have been exchanged at least 2 days prior to the meeting via the office of the Service Director.

### **Notification of the outcome of the appeal**

- The decision at the end of this appeal to the Service Director is final and absolute, and there are no other mechanisms open for appeal within the Trust.
- The decision from the meeting will be relayed in written format, identifying the basis of the decision. It is the intention of this process that all parties clearly identify as to how the decision was arrived at. The HR Department will monitor use of these guidelines to identify application and identify best practice.

### **Lead Officer**

- The Human Resources Director will be responsible for the distribution, raising awareness and monitoring the application of these guidelines. All other managers and members of staff have a personal responsibility to use these guidelines to better protect the investment made to staff by the Trust. The HR Director also has a special responsibility to review the guidelines in terms of service or legislative changes as required.

## **5.0 CAREER BREAKS**

### **5.1 Eligibility: Applying for Career Breaks**

Employees who have over 12 months continuous employment with Milton Keynes NHS Foundation Trust on a permanent contract are eligible to apply for a career break. Following an employee taking a career break, they will need to have attended work for at least 12 months before another request can be submitted.

Career breaks can be from 3 months up to a maximum of 5 years. The manager and employee must agree the length of the career break before the application is granted.

### **5.2. Applying For Career Break**

Employees must put their request for a career break in writing to their line manager giving at least 3 months' notice, using the form in Appendix 3. The manager should discuss the application with a member of the Human Resources department to establish that the employee is eligible. The approval of the Divisional Manager or equivalent is also required.

The manager may hold a meeting with the employee to discuss their request. The employee has the right to be accompanied by a trade union representative or colleague if they wish and a Human Resources representative should also be in attendance.

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The Manager may decline an application if the employee is subject to a current disciplinary or harassment investigation that has yet to be concluded.

### **5.3. Confirming the Outcome**

Where a career break is agreed the manager must confirm the outcome in writing to the employee. If a request for a career break is declined, written reasons will be given to the employee. Employees have the right to appeal within 14 days of receipt of the decision via the Trust's Grievance Policy and Procedure.

### **5.4. Extending or Reducing Career Break**

Career breaks can be extended by mutual agreement and this must take into account the needs of the employee and the needs of the service subject to giving the required notice of three months. The period of career break may also be reduced by mutual agreement but this may not be possible if a temporary employee has been appointed to cover the employee's duties.

### **5.5. Terms and Conditions of Career Break**

Career breaks are leave without pay. No annual leave or bank holiday entitlement is accrued during this time. The employee's salary will be frozen and incremental rises will not be awarded. On return to work the employee will be placed on the salary level applicable immediately prior to the break. This may result in a change of increment date as the employee will receive an incremental pay awards as appropriate once an aggregated 12 months has been completed. The period of the break should count toward continuous employment for statutory purposes. Employees will remain employed by the Trust throughout this period.

Employees are not allowed to take up paid employment with another employer during a career break, except where, for example, work overseas or charitable work could broaden experience. If an employee intends to take up alternative work during their career break, they must make this explicit in the application and obtain authorisation for this from their manager.

Pension contributions will be suspended for the duration of the career break. National Insurance contributions are not paid during the career break but employees can choose to continue their contributions by contacting their local social security office.

If an employee becomes pregnant during a career break the provisions of the Maternity and the Paternity Leave Policy will apply. A career break application can be made during maternity leave or adoption leave to be taken immediately following this leave.

Employees must inform the Trust of any change of circumstances and ensure that their contact telephone number and address are kept up to date and for maintaining professional registration and any other professional requirements during the career break.

### **5.6 Keeping in Touch**

Managers are encouraged to provide Team Brief and Trust newsletters to employees on career breaks and must ensure that employees are notified of important work issues such as management of change proposals that may affect them.

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Prior to concluding the career break, the manager should arrange an appropriate orientation/re-induction to ensure the employee is able to effectively fulfil the requirements of the role giving due regard to the length of the break. This should be mutually agreed by the manager and employee.

## 5.7 Return to Work

In the cases of career breaks of 12 months or fewer employees should contact their manager at least 2 months prior to their agreed return to work date to plan their return. Where career breaks are more than 12 months, a minimum of 6 months' notice is required.

Before a return to work is commenced a meeting must be held to agree any necessary re-introduction programme and discuss any changes to prior arrangements such as working hours and days.

Where an employee takes a career break of 12 months or less, they will be entitled to return to the same job, as far as is reasonably practicable. For career breaks in excess of 12 months, the employee will be entitled to return to a similar post at the same grade.

## 6.0 Other Associated Documents

- Special Leave Policy
- Maternity, Paternity, Adoption, Shared Parental and New Expectant Mother Leave Policy
- Grievance Policy

## 7.0 Statement of evidence/references

### Implementation and dissemination of document

This document will be published on the Trust Intranet.

## 8.0 Governance

### 8.1 Record of changes to document

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Section Number	Amendment	Deletion	Addition	Reason	Amended by



### 5.3 Audit and monitoring

This Policy outlines the process for document development will be monitored on an ongoing basis. The centralisation of the process for development of documents will enable the Trust to audit more effectively. The centralisation in recording documents onto a Quality Management database will ensure the process is robust.

#### Appendix 1

Audit/Monitoring Criteria	Tool	Audit Lead	Frequency of Audit	Responsible Committee/Board

### 5.4 Equality Impact Assessment

This document has been assessed using the Trust's Equality Impact Assessment Screening Tool. No detailed action plan is required. Any ad-hoc incident which highlights a potential problem will be addressed by the monitoring committee.

#### Appendix 2

Impact	Age	Disability	Sex (gender)	Gender Reassignment	Race	Religion or Belief	Sexual orientation	Marital Status	Pregnancy & Maternity
Do different groups have different needs, experiences, issues and priorities in relation to the proposed policy?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy will not promote equality of opportunity for all and promote good relations between different groups?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy will affect different population groups differently (including possibly discriminating against certain groups)?	N	N	N	N	N	N	N	N	N
Is there public concern (including media, academic, voluntary or sector specific interest) in potential discrimination against a particular population group or groups?	N	N	N	N	N	N	N	N	N

**Appendix 3 Application form for Flexible Working****Personal Detail****Name:****Department:****Gender:****Ethnicity:****Disability: Yes /No**

I would like to apply to work a flexible working pattern that is different to my current working pattern for the following reasons:

I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the Trust for the last 26 weeks

I have not made a request to work flexibly during the past 12 months

Date of any previous request to work flexibly:

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

Describe the working pattern you would like to work in future (days / hours / times worked): I would like this working pattern to commence from:

Date:

Impact of the new working pattern

I think the effect on my department and colleagues can be dealt with as follows:

## Appendix 4 Application Form for Career Break

### Employees Personal Details:

**Title:** Mr/Mrs/Ms/Dr/Other

**Surname:**

**Name:**

**Post:**

**CSU/Department :**

**Full/Part time:**

**Date of Appointment with the Trust:**

### Details of Career Break Requested

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**Signature:**

**Date:**