

## Flexible Working Policy

### Policy reference – HR011

SUMMARY	To provide a process to ensure that all employees have the right to make a request for flexible working and that it will be considered based on the needs of the individual against business/service needs in line with employment law and good practice.
AUTHOR	Human Resources
VERSION	3.0 FINAL
EFFECTIVE DATE	April 2018
APPLIES TO	Applicable to all employees of the CCG
APPROVAL COMMITTEE	CCG Remuneration Committee
REVIEW DATE	April 2021

***This policy has been aligned to Greater Huddersfield and North Kirklees CCGs in light of shared staff working across the CCGs. The only exception to this policy is that Calderdale CCG operates different standard working hours.***

**THIS POLICY HAS BEEN SUBJECT TO AN EQUALITY IMPACT ASSESSMENT**

**VERSION CONTROL SHEET**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status/Approval Body</b>	<b>Circulation</b>
0.1	June 2013	L Devanney	Draft	Original draft
0.2	16.4.2014	Vera Savarani	Draft	Updated with completed equality impact assessment and comments from SMT
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1.1	March 2017	Rebekah Drury	Under review	
2.0	July 2017	Rebekah Drury	FINAL	Final approval from Remuneration Committee
2.1	26.02.2018	Tazeem Hanif	Draft	Revised policy aligned to GH/NK CCGs submitted to SMT for comment – policy approved.
2.2	15.03.2018	Tazeem Hanif	Draft	Policy agreed by Trade Unions at the Social Partnership Forum
3.0	16.04.2018	Tazeem Hanif	Final	Policy approved by the Remuneration Committee, in line with the electronic policy approval process.

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## 1. POLICY STATEMENT

- 1.1 The Clinical Commissioning Group (the “CCG”) recognises that in addition to the duties and responsibilities that employees have at work, many employees also have responsibilities and commitments outside of work including but not limited to, carer responsibilities for children and/or adults. These responsibilities may mean that an employee would benefit from a flexible pattern of work.
- 1.2 The CCG is committed to offering flexible, modern employment practices which recognise a sensible balance between employees home and work life. As part of its commitment to improving the working lives of employees, the CCG recognises the need to support flexible working. The CCG will ensure that all eligible employees have the right to make a request for flexible working and that any requests will be considered by CCG management endeavouring to accommodate the needs of the individuals making the request in line with business needs. In addition a provision is made for employees to request short term leave to cover urgent and unforeseen circumstances (See the Annual and Special Leave Policy).
- 1.3 Flexible patterns of working may cover various contractual arrangements and work patterns. It is defined by the Chartered Institute of Personnel and Development (CIPD) as “a type of working arrangement which gives a degree of flexibility on how long, where, when and at what times employees work”. This policy document covers the following types of flexible working patterns:-
- Job Sharing
  - Flexi Time
  - Part Time Working
  - Flexi Year/Annualised Hours
  - Term Time Working
  - Home Working
  - Condensed Hours
- 1.4 Arrangements associated with retirement options are covered in the CCGs Retirement Policy and any requests for alternative work patterns should be read in conjunction with this policy.
- 1.5 The aim of this policy is to provide a clear and consistent framework to address individual needs and provide support to employees who may wish to adopt an integrated approach to create flexible working systems that benefit all. The policy is also expected to:
- Promote the CCG as an Employer of Choice by considering flexible patterns of working to aid recruitment and meet the CCGs commitment to equality of opportunity;
  - Improve employee retention by enabling employees to have an effective work life balance;
  - Reduce absenteeism by enabling adequate personal time outside of work for employees to meet personal commitments;
  - Increase efficiency by using flexible working to meet peaks in work patterns;
  - Improve morale and motivation of employees who benefit from flexible working.

## **2. SCOPE**

- 2.1 This policy applies to those employees that are directly employed by the CCG and for whom the CCG has legal responsibility. For those staff covered by a contract for service, honorary contract or work experience, this policy is also applicable whilst undertaking duties on behalf of the CCG or working on CCG premises and forms part of their CCG arrangements.

## **3. RESPONSIBILITY**

- 3.1 Good working relations are vital for the CCG to operate successfully and provide services. There is a joint responsibility for management, Trade Unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

### **3.2 Line Managers**

It is the responsibility of Line Managers to ensure that:

- They keep records of flexible working applications;
- Timely consideration is given to the request for flexible working in accordance with set procedure;
- They adhere to the time limits as set out in this policy;
- They provide the appropriate support and information to the employee throughout the course of the application;
- They seek advice from HR in relation to flexible working requests;
- They only decline a request where there is a recognised business need (see section 12) checking with HR if there are any concerns;
- They review flexible working patterns at agreed intervals to ensure the pattern is still valid/effective (with a minimum of a 12 month review);
- They provide details of all flexible working requests to HR, whether these are approved or declined and ensure that any outcomes are properly recorded and communicated with the team member;
- Where a request is linked to a potential reasonable adjustment for health reasons, that Occupational Health advice is sought;
- They consider the needs of the individual balanced with the needs of the business and any adverse impact on other team members.

### **3.3 Employees**

It is the responsibility of the employee to ensure that:

- They check their eligibility to apply for flexible working before submitting an application, in exceptional circumstances where they are not eligible to make an application they would need to approach their Line Manager to discuss their needs;
- If their request is linked to potential reasonable adjustments for health reasons, that they ensure their Line Manager is aware of this, and participate in any Occupational Health referrals as needed;
- Applications are made a minimum of two months in advance of when they wish the new arrangement to take effect. This allows time for consideration and changes in arrangements, where practical and necessary to be implemented;
- They provide a carefully considered application with as much detail as possible taking into consideration the needs of the business in addition to any adverse impact on work colleagues and how these can be minimised;
- They are prepared to discuss their application with their Line Manager in an open and constructive manner;

- They are flexible where a mutually agreed compromise is required;
- They agree to appropriate review periods to ensure the pattern of working is still valid and meets the needs of the business as well as themselves (with a minimum of a 12 month review).

### **3.4 Human Resources**

The key responsibilities for Human Resources are to:

- Lead the development, implementation and review of the policy;
- Provide advice and guidance to Line Managers on the application of the policy. This includes where requests are made, that are linked to reasonable adjustments for health reasons;
- Monitoring the process.

## **4. EQUALITY STATEMENT**

- 4.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, carers and sexual orientation. A consistent Equality Impact Assessment is used for all policies and procedures.

## **5. ACCOUNTABILITY**

- 5.1 The Chief Officer is accountable for this policy.

## **6. IMPLEMENTATION AND MONITORING**

- 6.1 The Remuneration Committee is responsible for the formal approval of this policy. Following approval, the policy will be disseminated to staff via internal communication methods and available through the staff intranet.
- 6.2 The policy and procedure will be reviewed periodically by the HR Team in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen sooner.

## **7. ELIGIBILITY CRITERIA**

- 7.1 In keeping with employment legislation, employees are eligible to make a flexible working request if they have at least 26 weeks' continuous employment with the CCG at the date of their request. The employee must be directly employed by the CCG and eligibility does not extend to agency workers. Where there is continuous service following a TUPE transfer, this will count towards eligibility.
- 7.2 The Line Manager should discuss any potential exceptions to this with HR e.g. if an individual requests a flexible working arrangement when applying for a job with the CCG. Although candidates not formally appointed do not have a legal right to request flexible working, in many cases, a flexible working pattern may be possible, and may help the CCG to secure the best candidate. The Line Manager should therefore refer to the Flexible Working Policy in considering any such request and record the outcome.
- 7.3 The employee may only make one request in any 12 month period, except in exceptional circumstances.

## **8. STANDARD WORKING HOURS**

- 8.1 Working patterns can vary depending on job and team requirements and individual circumstances. However, it is expected that the majority of teams will need to ensure that an appropriate number of team members are available during the hours of 8:00am to 5:30pm, Monday to Friday though this may differ depending on the specific responsibilities of the team, the individuals within it and their interactions with other internal and external colleagues.
- 8.2 The CCG also expects that unless there is a specific agreed reason, a formal flexible working arrangement or contractual agreement, all staff should be working and available for meetings between the hours of 8:00am to 5:30pm on their working days, allowing for breaks. Should an individual wish to regularly work outside these hours, a flexible working request should be submitted for consideration.
- 8.3 All working patterns must be agreed taking into account the opening hours of the CCGs building.
- 8.4 Working patterns must also take into account Health and Safety requirements, such as fire safety and lone working. They must also not breach working time regulations, as detailed in the Working Time Regulations Policy.

## **9. PROCEDURE – APPLICATION FOR FLEXIBLE WORKING**

- 9.1 This policy and procedure is open to all employees and potential employees of the CCG, who have 26 weeks relevant service, or in exceptional circumstances where employees have less than 26 weeks service. Included in this is, the right of employees to request changes to their working patterns to help them care for their child, spouse, partner, civil partner or close relative, or for an individual who lives at the same address as the employee. The application form to request flexible working can be found in appendix 2 and should be completed in all cases.
- 9.2 In some cases, an employee's disability may result in recommendations for reasonable adjustments, which may include suggestions for flexible working arrangements. Such flexible working arrangements should be considered using the Flexible Working Policy, and the recommendations for reasonable adjustments clearly documented in the request, to enable full consideration to be given to the recommendations. The employee is often the expert in their condition and what will support them to work effectively however recommendations for reasonable adjustments should be made with reference to specialist Occupational Health advice

## **10. APPLICATION PROCESS**

- 10.1 Employees must request flexible working in writing to their Line Manager using the form found in appendix 2, making the reason for their request clear. The employee should give as much notice as possible and within the minimum timescales set out in this policy.
- 10.2 Upon receipt of the application the line manager should discuss the request with HR for advice and guidance.
- 10.3 Upon on receipt of the application, the Line Manager must meet with the employee within 28 days to discuss the full details of the request. Within 14 days of that meeting, the Line Manager should respond in writing with the decision. Where annual leave and or sickness absence prevents these timescales from being achieved they may be extended. The reasons for any extensions should be clearly documented by the Line Manager.

## **11. ACTIONS TO BE TAKEN WHEN APPROVING AN APPLICATION**

- 11.1 The Line Manager should confirm in writing the approval of the flexible working request and confirm the arrangements in full regarding working hours and patterns, including any other changes resulting from a flexible working pattern, for instance annual leave calculations. The Line Manager should also confirm the date that the revised working pattern will take effect from.
- 11.2 Consideration should be given to the intervals at which the revised working pattern will be reviewed and this should be confirmed to the employee.
- 11.3 The Line Manager should complete a change form (if there is a contract variation) and forward this to the Payroll team. The Line Manager should also send copies of all other documentation relating to the flexible working request to HR. There would normally only be a contract variation, where an individual decreases or increases their contracted working hours.
- 11.4 Once the Line Manager approves the application any variation in contractual terms is permanent and the employee has no automatic right to change back to the previous working pattern. However, agreement can be made between both parties where the flexible working can be for a specified time or trial period. Only agreements resulting in an increase or decrease in total working hours are deemed to be contractual.
- 11.5 Approved flexible working arrangements should be reviewed on a regular basis in line with service requirements. The organisation requires reasonable notice if the employee wishes to review the agreed arrangements or terminate the agreement early. Likewise the CCG has the authority to review or terminate flexible working arrangements with reasonable notice for justifiable business needs, following discussion and consideration of individual personal circumstances.



## **12. DECLINING AN APPLICATION**

12.1 Applications for flexible working can be declined for business reasons; however, there are specific grounds for rejection that must be evidenced. Below are a number of examples:

- The qualifying conditions have not been met
- The burden of additional costs is unacceptable
- Detrimental effect on businesses' ability to meet customer demand
- Inability to reorganise the work amongst existing employees
- Inability to recruit additional employees
- Detrimental impact on performance/quality
- Insufficient work during the period the employee proposes to work
- Planned structural changes

12.2 Before declining an application, the line manager must consult with HR.

12.3 If a request is declined, Line Managers and employees are encouraged to explore further flexible working options which are suitable for the business and reach a compromise. If this is not possible, the employee's existing working arrangements will continue.

12.4 The Line Manager must confirm to the employee in writing, the reasons for the application being declined. The Line Manager must submit a copy of all documentation relating to the flexible working request to the HR team for retention on the employee's personnel file.

## **13. RIGHT TO APPEAL**

13.1 If an employee feels that their application for flexible working has been treated unfairly they have the right to appeal under the terms of the CCGs Grievance Policy. Unreasonable refusal to consider a flexible working request may be deemed discriminatory in some circumstances, and if deemed to be so will be dealt with in accordance with the CCGs Equality and Diversity Policy.

## Appendix 1 - TYPES OF FLEXIBLE WORKING

### 1. JOB SHARING

- 1.1 Job sharing is a flexible working arrangement which enables two or more employees to share the duties and responsibilities of a post. The salary associated with the post is divided between the numbers of job share partners in direct proportion to the number of hours they work. Annual leave entitlement will also be pro rata based on the number of hours worked and based on length of service in accordance with NHS terms and conditions of service.
- 1.2 The job share will originate in one of the following ways:
- From a vacant post which is advertised as open to job share applicants;
  - From a request from two or more existing employees who submit a joint application as a 'ready made' partnership to job share a full time post;
  - From one existing employee who requests a job share, the other share of the post will be advertised.
- 1.3 In the case of an existing employee requesting a job share, the request can only be approved if a suitable candidate is appointed to the remainder of the post.
- 1.4 There are a number of important factors to be considered when recruiting to a job share post as follows:
- Clear definition of the duties and responsibilities of the post and how they are to be shared;
  - How to ensure equal effort of all job share partners;
  - Flexibility of job sharers to cover each other during periods of annual leave or sickness absence;
  - Communication in terms of effective handover periods between one job sharer to the other;
  - Increased supervision may be required initially by Line Managers;
  - Administration and associated costs may be higher, for example for training and development.
- 1.5 If for any reason one job sharer leaves, every effort will be made to fill the vacant post on the same basis to accommodate the needs of the remaining employee. When, after all reasonable efforts, another suitable job sharer cannot be found and it is necessary to cover the post full time, the remaining job sharer will, wherever possible, transfer to another suitable post accommodating as far as possible the hours of work already agreed. Only in exceptional circumstances, when all of the above options have been exhausted, will the redundancy of the existing job sharer's employment be considered.

## **2. FLEXI TIME**

- 2.1 Flexi time enables employees to vary their working hours within agreed limits, i.e. they can vary the start and finish times for the working day and lunch breaks, provided they work the locally agreed 'core times'. Core hours are specific to business requirements and to ensure cover arrangements are in place. A typical core period could be between 10:00am to 4:00pm.
- 2.2 It should be noted that flexi time may not always be possible due to business requirements. The following provides an overview of formal flexi time working but each department should establish their core flexi time system in consultation with employees, Human Resources and Staff Side. Once agreed this should be recorded and available to the team and new starters alongside the other agreed features of the local scheme as detailed below.
- 2.3 Employees may work longer than the standard working day when necessary and 'save' the additional hours worked to take as time in lieu at a later date. This must be taken in accordance with flexi time rules to be agreed as part of the flexible working arrangement. Additionally an employee may have a deficit of hours worked which again should be agreed in accordance with the agreed rules as part of the flexible working arrangement. Lieu time may not be carried over from one post to another.
- 2.4 The Line Manager should set the time limits within which accrued flexi time must be used, taking into account the needs of the team and the organisation. The Line Manager should set a maximum amount of time which can be taken or carried over from one accounting period to the next. The accounting period should normally be 1 month and no more than 8 hours per month should be either accrued or owed. By exception, where there are additional pressures and it is agreed in advance this can be waived.
- 2.5 An appropriate recording mechanism must be introduced indicating the employee's start time, commencement of lunch break and recommencement from lunch break (minimum of 20 minutes, unpaid, if the employee works more than 6 hours per day) and a finish time. The employee should sign the form to confirm that the information contained on the form is accurate and to acknowledge that any misrepresentation of the hours worked may lead to disciplinary proceedings, criminal and/or civil recovery proceedings. The line manager should also check the information submitted on the form each month and sign to confirm the information is accurate to the best of their knowledge.
- 2.6 Where abuse of the system is suspected an investigation will be conducted which could result in dismissal and the individual may also be liable for prosecution and civil recovery proceedings.
- 2.7 Where abuse of the system is suspected an investigation will be conducted which may result in disciplinary action. Where abuse of the system is proven the flexi time arrangement will be withdrawn.
- 2.8 Where an employee has given notice to leave the organisation, they will be expected to have a nil balance of flexi time prior to the final week of service.

### **3. PART TIME WORKING**

- 3.1 This is an established area of flexible working where an employee is contracted to work a reduced number of hours, and their pay is reduced accordingly.
- 3.2 Where an employee requests a change from full time to part time hours this should be considered wherever possible and only refused where there are good operational or business reasons for doing so.
- 3.3 In some cases an employee may wish to reduce their hours to part time for a period of time to combine work and personal commitments and then return to full time work at a later date. If an employee wishes to request a temporary reduction of hours, a start and end date must be agreed as part of the flexible working arrangement.
- 3.4 Consideration should always be given when recruiting to a vacancy, about whether part-time working can be considered.

### **4. FLEXI YEAR/ANNUALISED HOURS**

- 4.1 The flexi year or annualised hours contract enables employees to vary their working hours over a full year period rather than over days or weeks. This arrangement enables the employee to match working hours to their personal commitments and to the requirements of the job which can take account of peaks and troughs in workload.
- 4.2 When establishing a flexi year or annualised hours contract the total number of hours to be worked for the year should be agreed and stated in the contract. This should not exceed the total number of hours which would be worked in a year by a full time employee and should take into account annual leave and general public holiday entitlement.
- 4.3 The arrangement for when these hours are worked or how they are distributed through the year is subject to business need and must be agreed between the employee and the line manager. The maximum number of hours to be worked in any one day or week must be agreed with the employee and must not contravene the Working Time Regulations Policy.
- 4.4 A system must be set up to record hours worked and this must be monitored by the Line Manager.

### **5. TERM TIME WORKING**

- 5.1 Term Time working enables employees to work for an agreed number of weeks or hours per year. Unlike the facility to vary the number of weeks/hours worked on an annual basis, term time working is based on pre-determined weeks during the year.
- 5.2 Employees may be contracted for a specified number of weeks per year and paid only for those weeks worked. In this case employees would not work during some or all of school/college holiday periods. Alternatively employees can be contracted for a specified number of weeks per year to cover holiday periods only and are paid for those weeks worked.
- 5.3 In order to avoid the situation where employees have certain weeks without pay their salary could be paid on a pro rata basis throughout the year to maintain a regular income. This must be specified within the contract.

- 5.4 Employees working term time are entitled to annual leave. This annual leave entitlement should be off set against the weeks the employee does not work.
- 5.5 Any requests for term time working must be submitted to the Line Manager who will consider the application. Where consideration is given to the approval of term time working then the Line Manager must seek approval from the Senior Management Team.

## **6. HOME WORKING**

- 6.1 Home working can either be a formal agreement where an employee works part of their contractual hours from home, as an alternative base point, or informally, for a few agreed hours, to complete project work, specific pieces of work etc. Further guidance on homeworking by ACAS is available here <http://www.acas.org.uk/media/pdf/7/r/Homeworking-a-guide-for-employers-and-employees.pdf>
- 6.2 Employees wishing to work from home on an ad hoc basis should agree this with their line manager and the work to be undertaken should be agreed. The Line Manager will take into account the factors listed below and must also consider the impact of home working on the rest of the team.

The Line Manager will need to ensure that:

- There are clear and measurable outputs;
  - The work does not require face to face contact or direct supervision at home;
  - There are arrangements for effective communication with the work base;
  - There are arrangements for authorising, recording and monitoring for time spent working from home;
  - Arrangements are in place to protect the confidentiality of information and it is the responsibility of the employee to maintain this;
  - Health and safety issues are considered.
- 6.3 Where an employee requests to work from home routinely, permanently or for a lengthy period of time (agreed only in exceptional circumstances where reasonable adjustments have been taken into account) the following should be considered and addressed:
- How to ensure the employee does not feel isolated and how links to the CCG will be maintained;
  - The cost of equipping the home in terms of access to mobile devices;
  - Health and safety including workstation risk assessment;
  - Telephone, electricity and insurance costs;
  - Stationery supplies;
  - Confidentiality/security.
- 6.4 The employee will need to notify the Inland Revenue that they are working from home for a set period of time or permanently as there is tax benefits associated with home working.
- 6.5 It is important to agree how workloads and hours worked will be monitored. The employee should be aware of times they are required to attend the CCG offices, for team meetings, one to ones, appraisals etc.
- 6.6 It is the responsibility of the employee to inform their home insurance provider that they are working from home and provide any details that maybe required.
- 6.7 If an employee requests a formal agreement to work from home, a health and safety assessment must be conducted before an agreement can be made,

- 6.8 The employee is responsible for ensuring that their home environment is conducive to carrying out the duties that it is agreed can be conducted from home.

## **7. CONDENSED HOURS**

- 7.1 Condensed hours is a flexible working arrangement which enables an employee to work their contracted hours over a shorter period of time than a standard working week, for example 37.5 hours over 4 days or a working fortnight over 9 days.
- 7.2 It will be necessary to agreed how the hours worked will be recorded and this should be monitored by the Line Manager.
- 7.3 Consideration should be given to the impact on the ability to cover business needs and the health and safety of the worker concerned
- 7.4 Any pattern of condensed hours must be compliant with Working Time Regulations, as outlined in the Working Time Regulations Policy.

## Appendix 2 - Application for Flexible Working

<b>Name:</b>		<b>Employee Number:</b>	
<b>Job Title</b>		<b>Hours of work:</b>	
<b>Department</b>		<b>Location:</b>	

I wish to apply for the following flexible working scheme (Please highlight by ticking the appropriate box below)

<b>Job Share</b>		<b>Part Time</b>	
<b>Flexible retirement</b>		<b>Flexi Year /Annualised Hours</b>	
<b>Flexi-Time</b>		<b>* Term Time</b>	
<b>Home Working</b>		<b>Condensed Hours</b>	

**Please detail the changes that you are applying for and the date you propose they become effective from:**

**Please detail the reasons for your request.**

**Please outline any implications you feel may need to be taken into consideration relating to the change to the service you provide. As part of this, please consider:**

- Impact on the rest of the team / stakeholders
- How performance will be maintained
- How you will ensure you remain connected with the organisation (this list is not exhaustive).

*FOR THOSE APPLYING FOR A FLEXIBLE WORKING REQUEST IN RELATION TO THEIR EMPLOYMENT RIGHTS TO REQUEST FLEXIBLE PATTERNS OF WORKING PLEASE COMPLETE THE FOLLOWING*

I have 26 weeks continuous service at the date of application: **Yes/No**

I have not made a previous application to work flexibly in during the previous 12 months: **Yes/No**

**Signed:** .....

**Date:** .....

**LINE MANAGER'S COMMENTS**

Application approved:	<b>Yes/No</b>
If approved, commencement date:	
If declined, reasons for the decision:	
 <i>* For term time requests, the Line Manager will need approval from the Senior Management Team before any application is approved.</i>	

Date employee notified of decision .....

Date employee notified in writing of the outcome and right of appeal .....

**Signed:** .....  
Line Manager/Head of Department

**Date** .....

Copy to: HR for the personal file



## Appendix 3 - Flexible Working Principles

These guidelines have been developed in conjunction **must** be read in conjunction with the Flexible Working Policy.

- Any arrangements for a permanent pattern of flexible working must be agreed through a flexible working request in line with the Flexible Working Policy.
- Working patterns can vary depending on job and team requirements and individual circumstances. However, it is expected that the majority of teams will need an appropriate number of team members are available during the core hours of 8:00am to 5:30pm, though this may differ depending on the specific responsibilities of the team, the individuals within it and their interactions with other internal and external colleagues.
- The CCG also expects that unless there is a specific agreed reason, a formal flexible working arrangement or contractual agreement, all staff should be working and available for meetings between the hours of 8:00am to 5:30pm on their working days, allowing for breaks. Should an individual wish to regularly work outside these hours, a flexible working request should be submitted for consideration.
- Different teams and roles have different requirements, and team ways of working should be agreed within teams and with line managers.
- Teams should be accessible and there must be enough cover as appropriate for the team.
- Occasional flexible working should be agreed with the Line Manager and should meet business needs. For example, starting and finishing early in order to complete a piece of work, or for ad-hoc out of work commitments.
- It is acknowledged that many people work additional hours to meet business needs and this flexibility is very much appreciated. Employees should be able to take time back in lieu, and the timing of this should be agreed with their Line Manager to fit with business requirements. For instance, if an individual works a significant amount of additional hours, it may be appropriate for them to take the time back over a period of time, or in one block, e.g. a full day or part of a day. This should be agreed with the individual and Line Manager as soon as it is apparent that organisational needs are resulting in an individual working additional hours. Employees and their Line Managers should have ongoing discussions about workload.

It is not intended that employees should work additional hours with the aim of accruing additional time off, unless this has been agreed for a specific reason. If an individual wishes to have a formal flexi-time arrangement, this can be considered through a formal flexible working request, in line with the Flexible Working Policy.

- Health and safety is an important consideration, and health and safety arrangements should be taken into account with any ad-hoc / irregular arrangement to work flexibly, and for any formal flexible working request. For example lone working and fire warden cover. Working time regulations must also be adhered to, as detailed in the Working Time Regulations Policy.

## Appendix 4 - Equality Impact Assessment

<b>Title of policy</b>	Flexible Working Policy		
<b>Names and roles of people completing the assessment</b>	Tazeem Hanif (HR Business Partner) Kym L Brearley, Equality & Diversity Advisor		
<b>Date assessment started/completed</b>	March 2018	4 <sup>th</sup> April 2018	
<b>1. Outline</b>			
<b>Give a brief summary of the policy</b>	To provide a process and framework for support to managers and employees who make a request for flexible working and other flexible arrangements to balance the needs of the employee and the needs of the business.		
<b>What outcomes do you want to achieve</b>	The policy to comply with statutory requirements and complies with NHS Litigation Authority Standards and best practice. Support the workforce to achieve a balance between home and work, to enable motivation and effective working.		
<b>2. Analysis of impact</b>			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely impacts? Are any groups going to be affected differently? Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No	Neutral	
<b>Carers</b>	Yes – there is a statutory right for carers to request and be considered for flexible working which is incorporated within this policy. Legislative changes mean this right is now available to all employees.	Positive	Line Managers consider requests to support this particular group; this should not impact on other employees as the procedure allows for any employee to request flexible working.
<b>Disability</b>	Yes, employees with a disability or long-term health condition are potentially more likely to request flexible working as a reasonable adjustment. Third parties e.g. Occupational Health or clinicians may also recommend flexible working as a reasonable adjustment.	Positive	Line Managers of staff requesting flexible working as a reasonable adjustment must seek advice from HR, Occupational Health, Equality teams to ensure compliance with legislation and prevent unlawful discrimination.

<b>Sex</b>	Yes  Research demonstrates that women are more likely to have caring responsibilities	Positive	The same actions apply, as for carers.
<b>Race</b>	No	Neutral	
<b>Religion or belief</b>	Yes, some employees may request flexible working for religious or cultural reasons e.g. prayer	Positive	Line Managers of staff requesting flexible working as a reasonable adjustment must seek advice from HR, Occupational Health, Equality teams to ensure compliance with legislation and prevent unlawful discrimination.
<b>Sexual orientation</b>	No	Neutral	
<b>Gender reassignment</b>	Yes, employees who undergo gender reassignment may request flexible working e.g. during transition	Positive	Line Managers of staff requesting flexible working, must seek advice from HR, Occupational Health, Equality teams to ensure compliance with legislation and prevent unlawful discrimination.
<b>Pregnancy and maternity</b>	Yes  Likely to disproportionately impact those with caring responsibilities, particularly maternity returners. Women who are pregnant may be more likely to request flexible working as an adjustment for e.g. pregnancy-related sickness. Maternity returners employed for 26 weeks or more have a statutory right to formally request flexible working. Maternity returners employed for fewer than 26 weeks can still make a request. They can request a change to the hours they work, the time they work or working from a different place.	Positive	A refusal by the CCG, which cannot be justified, could be indirect sex discrimination. Line Managers are to consider requests to support this group; this should not impact on other employees as the procedure allows for any employee to request flexible working.
<b>Marriage and civil partnership</b>	No		

<b>Other relevant group</b>	Yes, part-time workers	Positive	The Policy makes explicit provision for part-time workers.
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable?  Please detail.</b>	<p>Mitigating actions are identified for potential negative impacts on employees from protected groups. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic providing Line Managers seek advice in order to prevent or address unlawful direct or indirect discrimination.</p> <p>On balance, it is deemed that the introduction of standard working hours is justifiable, and that sufficient actions are in place to manage any potential negative impacts: managers must seek advice if staff requesting flexible working; are from the protected groups listed above in order to prevent unlawful discrimination.</p> <p>The policy will be subject to monitoring and review, working closely with staff side if any issues arise. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees.</p>		
<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	<p>Will monitor instances where employees are refused or approved applications on an analysis by protected characteristic.</p> <p>Will monitor feedback from groups with protected characteristics particularly with reference to the monitoring of the approval or refusal of applications.</p>		
<b>Lead Officer</b>	Tazeem Hanif	<b>Review date:</b>	01.04.2021
<b>5. Sign off</b>			
<b>Lead Officer</b>	Kym L Brearley		
	<b>Date approved:</b>	4 <sup>th</sup> April 2018	