

FLEXIBLE WORKING GUIDELINE

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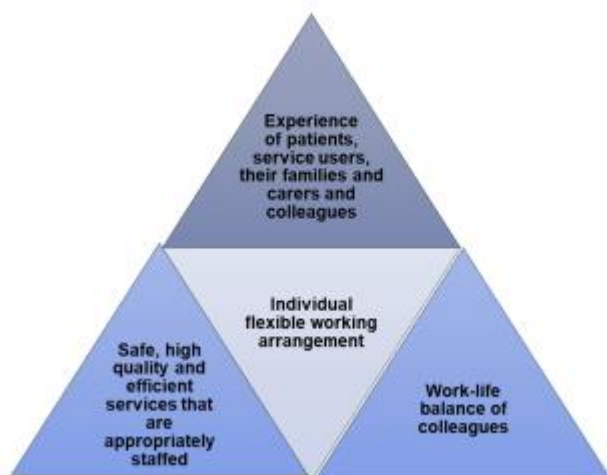
1 INTRODUCTION/ BACKGROUND

The Trust values its staff and seeks to ensure their health and well-being by providing a safe, healthy, and flexible working environment. These guidelines are intended to support staff to achieve a healthy work-life balance whilst ensuring service provision supports the delivery of the Trust's values and a cost effective, flexible, and responsive service.

- 1.1 The aim of these guidelines is to inform staff of the different flexible working options, the impact it may have on pay and benefits and the process for requesting flexible working.
- 1.2 A high level of attendance is crucial to the delivery of good quality services to people. Flexible and supportive working arrangements, which suit an individual's changing circumstances and service needs / efficiencies are an important part of helping achieve this.
- 1.3 Flexible working requires a responsive and responsible approach. Anyone applying for a flexible working arrangement must consider the possible effects on colleagues, the service and their own terms and conditions. The Trust's first aim must always be to meet its service needs and deliver quality patient care. Flexible working is part of a wider commitment by the NHS to improve the quality of working life. Having appropriate working arrangements which are adaptable and flexible both to employees and employers will ensure that we will continue to have the workforce we need to deliver excellent patient care for the future.
- 1.4 These arrangements apply to all staff. The suitability of a post for flexible working is at the discretion of management and the quality-of-service delivery should always take priority.

2 AIMS/ OBJECTIVES/ PURPOSE (including Related Trust Documents)

- 2.1 The NHS defines flexible working as "an arrangement which supports an individual to have greater choice in when, where and how they work." This may include changes to their working pattern, hours, and role, and/or the location in which their work takes place. It covers a number of flexible working arrangements which are detailed in the document.
- 2.2 Good flexible working arrangements should balance the needs of the individual with three key organisational factors: patients/service user and staff experience, service delivery and work-life balance of colleagues. See figure below:



Related Trust Documents

- Flexible Working Policy

3 ROLES AND RESPONSIBILITIES

The following principles are offered as guidance to both managers and staff.

- All requests to work flexibly should be given timely and proper consideration and not unreasonably refused where service delivery can support the arrangement.
- It is recommended that any new system of working is trialled for an agreed period.
- The interests and views of all staff affected by the request should be considered.
- If possible, teams should be empowered to find their own solutions to flexible working requests, which will be given due consideration by the managers.
- Standards and quality of service delivery cannot be compromised.
- The application of flexible working patterns should not result in the Service/Trust incurring additional costs and managers should seek to make efficiency savings where possible.
- Working patterns that may be detrimental to the individual's ability to access training and update skills can only be considered as a short-term option.
- The standard full-time hours of staff are 37.5 hours excluding breaks.
- All staff must take an unpaid break of in accordance with the Trust's local agreement.
- Some flexible working patterns may not be compatible with working extra hours outside of the existing pattern and this will need to be considered as part of the new arrangement.
- Any agreement to work flexibly is not automatically transferable upon change of role, work location, organisational change etc. In such circumstances staff should discuss their current arrangements with their manager to see if these can continue to be accommodated and a new Request Form completed if appropriate.
- Flexible working may be considered as part of a reasonable adjustment for staff with a disability, in line with the Trust's Management of Sickness Policy.
- Annual leave and public holidays will apply in accordance with Trust policy.
- When contemplating requesting flexible working, staff should consider the effect of their new working pattern on the service and their colleagues.

- Agreed flexible working arrangements should be discussed and reviewed regularly and the annual appraisal meeting presents such an opportunity. Managers should review the whole team/departments flexible working arrangements, at a specific point annually, to ensure they continue to meet both service and individual needs.

4 GUIDELINE DETAILS (including Flowcharts)

4.1 Flexible working arrangements may be informal or formal, be implemented in shift / session and non-shift / session-based roles and put in place on a short or long-term basis. It is good practice to capture conversations about informal and formal flexible working arrangements in writing. Some arrangements may require a variation to the individual's contract.

4.1.1 Informal flexible working arrangement

These arrangements are usually agreed between the individual and their line manager (or equivalent) as and when needed and don't normally require a formal contractual change. Examples of informal arrangements could include:

- Swapping shifts / sessions
- Mixing shifts / sessions (e.g., working some long and some short shifts/sessions)
- Time off in lieu (TOIL)
- Flexi-time
- Staggered hours where start, finish and lunch/break times can be variable (usually set around a period of 'core hours')
- Working from home (a role in which the individual has a defined office base but can work at home for part of their working week).

4.1.2 Formal (contractual) flexible working arrangement

These arrangements may initiate a change to an individual's contract as they can have an impact on pay, pension and /or annual leave calculations or have corporate governance implications. As such, an HR representative should be consulted before any changes to an agreed working arrangement is made. Examples may include:

- Part-time hours
- Job sharing
- Annualised hours
- Zero-hours contract
- Compressed hours
- Term-time working
- Fixed shifts / sessions / schedules
- Rotating shift / session work (individuals rotate between different patterns, such as days and nights)
- Split shift / session schedules (where an individual's working day is split into two or more parts with a rest period between. The rest period does not include paid breaks or allocated lunch periods)
- Phased retirement

- Home working (a role in which the individual spends all their working week based at home)
- Mobile working (teleworking) which enables the individual to work from a different location for all or part of their working week
- Sabbaticals.

IMPACT OF LEGISLATION ON EMPLOYMENT

Managers may wish to consult with a HR representative when an individual requests a significant change in the method of working, or if the manager wishes to introduce a change, as this may result in a contractual change. The following legal requirements must be considered.

Working Time Regulations

The Regulations came into force on 1 October 1998 (amended in 2007 and subsequently amended on an almost annual basis) and implemented the provisions of the EC Working Time Directive placing restrictions on hours worked. The Trust discourages the working of long hours wherever possible, however staff may agree in writing to opt-out of the restrictions, particularly where there may be a conflict of interests. Staff are also required to get permission from their line manager before they engage in any additional work. If the combined hours worked each week exceed 48 hours on average, then a written opt out agreement, signed by both parties is required. However, if managers believe this could be a health and safety risk, permission may be withheld. The main details of the Working Time Regulations are as follows:

- The Regulations allow a maximum working week of 48 hours per 7-day period (including Saturday and Sunday) when averaged over a 17-week reference period (other periods up to a maximum of 52 weeks can be agreed with employees and/or trade unions). Where the individual has agreed, in writing to an opt-out of these arrangements, this limit should not apply.
- The normal hours of work for 'Night workers' (anyone who works between 11pm and 6am), shall not exceed an average of 8 hours for each 24-hour period. Night workers must have a health assessment before undertaking night-time working and offered one at regular intervals thereafter.
- Adult workers are entitled to an (unpaid) rest period of 11 consecutive hours in each 24-hour period and 24 hours uninterrupted rest in any 7-day period or 48 hours in 14 days. (At least one day per week or two per fortnight must be taken as days off).
- Young workers (16 to 18 years) are restricted to working 8hrs per day/40hrs per week. Except in specific circumstances, they cannot work between 10pm and 6am or 11pm to 7am. They are entitled to a rest period (unpaid) of 12 consecutive hours in each 24-hour period and to 48 hours uninterrupted rest in any 7-day period.
- Adult workers should take at least a 20-minute unpaid rest break when working time is over 6 hours (4.5 hours for young workers). Rest breaks must be taken within the working time and not at the beginning or end of it.
- There are a number of circumstances, in which the provisions relating to breaks in the working day, (i.e., daily rest, weekly rest and night working), do not apply. Such exceptions would apply where there is a need for continuity of service (e.g., residential carers); where there is a need to provide security or protect persons or property (e.g.,

emergency call out services); where there is a foreseeable surge in activity (e.g., winter pressures); where there are unusual or unforeseen circumstances beyond the employers control (e.g., extreme unexpected weather conditions which demand extra work to be carried out). The regulations can be complex, and Managers should seek advice from a HR representative as appropriate.

Flexible Working Regulations

Under provisions set out in the Flexible Working Regulations 2014, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly after day one of their employment start date. Employees can make more than one flexible working request per year and can do so regardless of the reasons for them. Flexible working relates to the hours worked and times worked. The Trust has a duty to consider a request for flexible working and is entitled to refuse a request if one or more the following business-related reasons apply:

- The burden of additional cost
- An inability to reorganise work amongst existing staff
- An inability to attract, recruit, and retain staff
- A detrimental impact on quality
- A detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change in your business

Miscellaneous factors

- Managers should be minded that although a flexible working request can be refused; such a refusal may still be indirectly discriminatory, if it cannot be shown that the refusal was justifiable, as a proportionate means of achieving a legitimate aim. If in doubt, contact a HR representative.
- Staff taking up a flexible working option which result in their working reduced hours, will be paid on a pro-rata basis according to the number of hours worked. The employee should seek advice from Payroll services if necessary, prior to agreeing a flexible working proposal, so that specific salary/pension details can be calculated and considered by the employee.
- Deductions from salary for the NHS Pension Scheme are made monthly and will continue at the normal percentage rate unless; during periods of unpaid leave (e.g., Employment Break) the individual leaves the scheme (for periods of 12 months or more) or agrees to make retrospective contributions. Pension payments and benefits will be affected by a reduction in an employee's working hours, working year or periods of unpaid leave. Contact Pension/Payroll services for advice.

APPLICATION PROCEDURE

Guidance for Employees

- These arrangements apply to all employed NHS staff and staff have the contractual right to request flexible working from day one of employment.
- Consider the practical implications of the request and how your department/service would cope, as well as the effect of the change on terms and conditions, such as pay and pension.
- Put your request in writing using the Application Form at Appendix 1. All parts of the form should be completed, signed and dated and returned to your line manager.
- It may be that your line manager might be able to meet your request in part, but not in full, or may need to defer a decision until after a trial period.
- Get an agreement from your line manager as to when she/he will be able to give you an answer. This time period will need to reflect both the significance and urgency of your request. Your manager must consider the needs of the service and may not be able to accommodate your request.
- If your line manager is unable to grant your request, the reasons for this will normally be discussed with you and explained in writing to you. You may appeal against this decision to the next level of management. You should arrange to do this within **14 days** from receiving the formal response from your line manager.
- Individuals may revert to their original pattern of working within a trial period subject to their giving the agreed notice to enable their manager to make alternative arrangements. Thereafter it will be subject to agreement with their line manager. In circumstances where a service has been restructured to meet service demands there would be no automatic right to revert, and this would have to be agreed again with the line manager.
- Where flexible working has been agreed and individual's needs change, it is expected that the individual would not unreasonably maintain the arrangements, particularly when other colleagues would themselves benefit from greater flexibility.
- The Trust reserves the right to terminate a flexible working agreement, following consultation with the individual, subject to notice in writing in accordance with the contract of employment or length of service (up to a maximum of 12 weeks), if the service is adversely affected or the needs of the Trust/Service change. All Flexible Working arrangements will be reviewed as necessary but at least annually as to whether they continue to meet service and individual needs.
- Employees have the right to appeal a rejected flexible working request and have the right to be represented by a trade union representative in the appeal meeting.
- An appeal panel will consider whether the local process has been appropriately followed, and whether all appropriate options have been fully considered.

Guidance for Line Managers

- Should ensure that they deal with applications for flexible working in a timely manner, see Flow chart - Flexible working application process at Appendix 6. A checklist to assist managers in evaluating a flexible working request, Appendix 7
- Discuss the initial request with the individual(s) and remind them to put their request in writing to you, by completing the Application Form at Appendix 1. If you can agree their request immediately, without holding a meeting, then do so confirming agreement in writing. If you are unable to agree immediately, then agree with the individual(s) a date by which you will have completed your consideration of their request, taking account of its complexity, as well as its urgency.
- Consult as appropriate with relevant colleagues, other team members, your own manager, human resources representative etc. on the service and contractual implications of the proposal.
- Consider how best to accommodate the request without impairing service standards or, business related reasons for rejecting the request.
- If more than one request is received, each request should be judged on its own merits looking at the business impact and possible impact of refusing a request.
- If unable to approve a request because of the adverse effect on service provision, managers may ask for volunteers from existing flexible working staff to revert to their original or change to some other arrangement. The manager should also review the whole team/service as necessary but at least each year to determine the most effective way of delivering services and the possibility of increased (or decreased) capacity for granting new requests.
- Ensure that safe working systems can be put in place and that the health and safety of staff or others is not compromised.
- Hold an initial exploratory meeting with the individual(s), as soon as possible but normally within 28 days of receipt of their written application to look at all the options for reaching a mutually agreeable outcome and give them the opportunity to bring an accredited trade union representative or current work colleague not acting in a legal capacity.
- Requests may be declined where they cannot reasonably be met. However, it would not be within the spirit of the Guidelines. Each case must be considered within the existing circumstances.

Where, following full exploration, requests have not been agreed, an escalation stage to see if there are any further options beyond the immediate team within the organisation could be mutually agreed.

- Write to the individual(s), normally within 14 days of the meeting informing them of your decision and the reasons for this (see Form at Appendix 2). Following a trial period, a further meeting should take place with the individual(s) and a decision made as to whether the arrangements will/will not continue. The outcome of the meeting should be confirmed in writing, normally within 14 days. The individual(s) should be

advised that if dissatisfied with your decision, they may write to the next level of management within 14 days of receipt of your letter. *Please bear in mind the legitimate reasons for refusing a request for flexible working that are given under the Act.*

- The Trust is monitoring all applications and outcomes (supported or unsupported); monitoring will be through the HR Business Partners and Assistant HR Business Partners to ensure greater consistency of access to flexible working. Copies of all correspondence must be placed on the individual's personal file. A Variation to Contract Form (P4) should also be completed and processed in the usual way where there is a contractual change i.e. a change in hours.

FLEXIBLE WORKING TIME OPTIONS

The menu of options is not exhaustive, and staff may apply for alternative arrangements of their own devising that suit the service and their individual circumstances.

Part Time Working

Definition

Contracted to work less than the full-time hours for the post on a permanent basis. If this flexible working request is approved the hourly reduction would be on a permanent basis.

Points to be considered:

- Part time staff should not be treated differently from full time staff.
- How many working hours a week are required to meet service needs?
- Are there any special overlaps required between the part-time post holders/and others?
- Could service needs be covered without unreasonable additional cost?
- What is the impact on the rest of the team?
- Can temporary flexibility be shown in the event of a crisis over which the employee has little or no control?

Impact on pay and benefits

Salary and all pay related benefits are reduced pro-rata to the full-time entitlement, e.g.:

- Pay awards/salary increase
- Death in-service benefits
- Pension
- Redundancy Pay
- Annual Leave
- Sick Pay and Maternity Pay

Job Share

Definition

Two (or more) people voluntarily sharing the responsibilities of a full-time post in a seamless manner. This arrangement has the constraint that if one party to the job share leaves the employment of the second party is affected.

Points to be considered

- Can the duties/responsibilities be clearly defined and measured for each person
- Could two (or more) people provide the skills required
- Would the role benefit from longer than the normal full-time working hours per week and are there funds for this?
- Accountabilities for each “job sharer” will need to be clearly defined.

What happens if one partner leaves the shared role: -

If a replacement cannot be found the role should be offered on a full-time or increased hours to remaining “job sharer(s)”.

If this is not acceptable to remaining “job sharer(s)” then replace with full-time employee.

Impact on pay and benefits

Salary and all pay related benefits are reduced pro-rata to the full-time entitlement, e.g.:

- Pay award/salary Increases
- Pension/in-service death benefits
- Redundancy Pay
- Annual Leave
- Sick and Maternity Pay

Compressed Working Hours

Definition

This is where an employee works their usual hours in fewer and / or longer blocks during the working week. Through starting early and/or finishing late, and employee can build up additional hours which can then be taken as day or half-day away from work, considered as non-working time. This also allows normal working hours/days to be varied whilst working the contracted hours for the post. For example, contracted hours may be worked over a 4.5-day week or 9-day fortnight. In addition to this staggered working may be considered that involves the employee working different start and finish times to colleagues to accommodate individual circumstances.

Points to be considered

The approval of a compressed working pattern must be in accordance with service needs and ability for the duties of the role to be performed in full, and therefore not resulting in service delivery being at detriment. In addition, fairness with other staff is key here.

Any proposed working arrangements under a compressed working schedule must be agreed and supported by the department leader / manager to ensure service needs are met in full. At band 7, requests for a pattern of compressed working hours must be approved by the Divisional General Manager / Deputy Director.

It is not expected that a compressed hours' pattern of work will be applicable to those at band 8a and above, apart from as a very short-term support measure for a particular circumstance.

Therefore, where an employee at an 8a or above makes such a request for a pattern of compressed working hours this must be approved by their Director or Chief, after discussion with the Director of HR & OD.

Staggered hours are not to be applied to staff that are rostered, it can only apply to those working a 'standard' working week and who are not required to handover to an oncoming shift.

Any agreements reached around a compressed working week will be reviewed annually or earlier where the arrangement is causing operational difficulty and can be ended with reasonable notice if the arrangements are no longer beneficial for the service.

On the occasion where non-work time cannot be taken within an accumulation period, this will not be carried forward and will therefore be lost.

All employees working a compressed working week will have annual leave / bank holiday entitlements calculated in hours to reflect the hours.

Impact on pay and benefits

Pay and benefits are not affected on the basis that the full-time hours for the job are worked over five days or less.

Flexi-time

Definition

Allows staff to vary their working hours within the boundaries of an agreed extended day to accommodate fluctuations in service delivery and staff needs. Staff may work flexibly outside a specified core band of hours, relevant to their Service/Department. The scheme allows for time to be accrued over a 4-week settlement period to be taken back during the next 4-week settlement period. The individual keeps a running total of hours worked. If the individual accrues hours in excess of that allowed as time off in lieu (usually a whole or half day), the hours will be disregarded and not paid.

Points to be considered:

- Can the required level of service be provided at all times, particularly peak periods?
- Does the service provision require a whole team approach?
- Are there fluctuating service needs which can be accommodated by a flexible approach?

Impact on pay and benefits:

Pay and benefits are not affected on the basis that the individual's contracted hours are worked over the settlement period.

Annualised Hours

Definition

An arrangement in which the hours of work are spread unevenly throughout the year (or 3 or 6-month period). Particularly suitable in situations where there are predictable/unpredictable service fluctuations. Hours worked can be increased during peak periods and decreased/ceased during quieter periods.

Points to be considered:

- Does the role show a peak and trough pattern which would lend itself to annualised hours/term time working, without an adverse effect on service needs?
- Can the service accommodate/adapt to lengthy periods of absence or reduced hours? What maximum period of absence could the service/department tolerate?
- How would the working pattern be arranged e.g., agree number of hours/days per week/month/year, to be worked. Notional working patterns should be planned as far ahead as possible.
- Example of calculation of annualised hours for an individual who works 4 hrs per day, 20 hrs per week, 5 days per week, 52 weeks per year = 20×52.142857 payment weeks per year, = 1042.8 hrs per year.
- Salary is paid over 12 equal monthly instalments with a recovery clause for any overpayment if the individual leaves before completing the contracted hours for the period.
- Consider if the system requires careful planning including staff side consultation.
- Hours worked should be recorded on a weekly basis and monitored on a monthly basis to ensure that at year end, the individual is on track to have worked the annual contracted hours. Any working which would accrue unsocial hours' payment must be justified and authorised by the line manager prior to being worked. Overtime will not normally be paid for hours worked above 37.5 hours.
- Annual leave should be calculated in hours.
- Sick pay and monitoring only applies on 'work' days.

Impact on pay and benefits:

If the individual does not work the full-time hours for the post, salary and all pay related benefits are reduced pro-rata to the full-time entitlement e.g.:

- Pay awards/salary increases
- Death in-service Benefits
- NHS Pension Scheme benefits
- Redundancy Pay

- Annual Leave
- Sick Pay and Maternity Pay

Term-time Working

Definition

Term-time working enables staff that has school age children to work during school time and spend time away from work during school holidays. It can be difficult to implement and is mainly used as a temporary short-term arrangement.

Points to be considered:

- Can the service accommodate periods of absence during school holidays? Consider if the job needs to be covered during the periods of absence and if additional staff costs will be incurred as this would suggest term time working is not suited to meeting service needs.
- Do school holidays coincide with a natural dip in activity?
- Are other skilled staff readily available to fill the gap during school holidays?
- What would the impact be on other staff wishing to take leave during school holidays and could the service accommodate requests from other staff?
- Salary is paid over 12 equal monthly instalments with a recovery clause for any overpayment if the individual leaves before completing the contracted hours for the period.
- Term-time working staff only take 'leave' during school holidays as their monthly salary includes a payment for annual leaves. Pay and annual leave is normally calculated over a working year of 39 working weeks.
- Example of calculation of leave and public holidays for 39-week, term-time working:
 - Calculation of leave/public holidays if based on **52 working weeks** per year:
 - $27 \text{ days annual leave per year} \div 5 \text{ days (working week)} = 5.4 \text{ weeks annual leave per year.}$
 - $8 \text{ public holidays} \div 5 \text{ days} = 1.6 \text{ weeks public holidays per year.}$
 - $5.4\text{wks} + 1.6\text{wks} = 7\text{wks total leave entitlement for full time staff per year.}$
 - Calculation if leave based on **39 working weeks'** term-time only per year:
 - $52 \text{ weeks} - 7\text{wks leave} = 45 \text{ weeks}$
 - $39 \text{ weeks term time} \div 45 \text{ weeks} \times 7 \text{ weeks leave} = 6.2 \text{ weeks leave}$
 - $6.2 \text{ weeks} \times 5\text{days (working week)} = 30.45 \text{ days leave per year.}$
- Sick pay and monitoring only applies on 'work' days.

Impact on pay and benefits

If the individual does not work the full-time hours for the post, salary and all pay related benefits are reduced pro-rata to the full-time entitlement e.g.: -

- Pay awards/salary increases
- Death in-service Benefits
- NHS Pension Scheme benefits
- Redundancy Pay
- Annual Leave
- Sick Pay and Maternity Pay

OTHER RELATED GUIDANCE

The Trust has the following:

Leave Policy

Maternity and Adoption Leave Guidance

Parental Policy and Guidance

Maternity/Adoption support (Paternity) Leave Guidance

Career Break Guidance

Shared Parental Leave Guidance

Special Leave Guidance

Please contact your line manager, HR Intranet site or HR for further information.

FRAUD AWARENESS

Fraud within the NHS is unacceptable and diverts valuable resources away from patient care. Any concerns over deliberate misapplication of the flexible options outlines in these Guidelines should be reported to your manager or Trust's local Counter Fraud Specialist. Please refer to the Trust's Fraud and Corruption Policy.

USEFUL CONTACT DETAILS

- Department for Work and Pensions (DWP) www.dwp.gov.uk
- Inland Revenue Website:
 - www.inlandrevenue.gov.uk
- Go to www.direct.gov.uk

The NHS Staff Council, on behalf of NHS trade unions and employers, has jointly agreed revisions to Section 33 of the NHS terms and conditions of service handbook. Local guidance updated to reflect key framework changes for agreeing local flexible working. The contractual changes will take effect on 13 September 2021 in England and Wales, with similar provisions expected to follow in Northern Ireland. Scotland will introduce these changes in line with its ongoing 'Once for Scotland' Workforce Policies Programme.

5	EDUCATION AND TRAINING
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N/A

6	MONITORING COMPLIANCE AND EFFECTIVENESS
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Monitoring Compliance and Effectiveness is contained within the Flexible Working Policy – Version 4, March 2022.

7	EQUALITY IMPACT ASSESSMENT (please complete all sections of form)
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Quality Impact Assessment is contained within the Flexible Working Policy – Version 4, March 2022.

Private and Confidential

Appendix 1

**FLEXIBLE WORKING APPLICATION FORM
(FORM FWR1)****NOTE TO THE EMPLOYEE(S)** – An individual or team can submit an application

You should first read the Trust's Guidelines on Flexible Working. If you need further advice, please contact your Manager, HR or Trade Union Representative.

It may take up to 14 weeks to consider your request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect. It is important that you complete all the questions fully.

Normally, within 28 days of receipt of your application your Manager will meet with you to discuss your request. If the request is granted this would result in a temporary or substantive change to your terms of employment.

NOTE TO THE MANAGER

It is your responsibility to give serious / timely consideration to this request. Normally, within 28 days of receipt of the application, you should hold a meeting with the individual(s) to discuss the outcome of their request. You should confirm receipt of this application using the attached confirmation slip.

Form FWR2, the Flexible Working Application Reply Form is available to respond to this application. Please refer to the Trust's Flexible Working Guidelines or contact a HR representation for assistance.

1a. PERSONAL DETAILS

Name:

Please print

Job Title:

Manager:

Please print

Department:

Extension no:

2a. Please tick	YES	NO
Have you made a request to work flexibly during the past 12 months?		
- If so, date of previous application?	Date.....	
Are you making your request as a reasonable adjustment for a disability?		
Do you have caring responsibility for a child or adult dependant (or expecting to have responsibility)?		
Are you requesting a substantive or temporary change, please tick?	Substantive	Temporary

3a. Describe your current working pattern (days / hours / times worked)

3b. Describe the working pattern you would like to work in future (days / hours / times worked)

3c. Date you would like this working pattern to commence from
Date: <input type="text"/>

4. Impact of the new working pattern
I think this change in my working pattern will affect my department / service / colleagues as follows: <input type="text"/>

5. Accommodating the new working pattern
I have discussed my request with colleagues, and we think the effect on the department / colleagues can be dealt with as follows: <input type="text"/>

(Please continue on a separate sheet if required which should also be signed, dated and attached to this form).

Employee(s)

Signature:

Date:

NOW PASS THIS APPLICATION TO YOUR MANAGER

Cut this slip off and return it to your employee(s) in order to confirm your receipt of their application.

Manager's Confirmation of Receipt (complete and return to the employee)

I have discussed my request with colleagues, and we think the effect on the department / service / colleagues can be dealt with as follows:

To:

I confirm that I received your request to change your work pattern on:

Date:

I shall be arranging a meeting to discuss your application, normally within 28 days following this date. In the meantime, you may wish to consider whether you would like a Trade Union Representative or fellow worker to accompany you at the meeting. Please advise me of your decision.

From:

Copy to be placed on employee(s)
personal file

FLEXIBLE WORKING APPLICATION – REPLY FORM (FORM FWR2)

NOTE TO THE MANAGER (Annual Leave)

Complete this form, normally within 14 days following the initial meeting with the individual to inform them of your decision. If you cannot agree to their request, you may wish to explore alternatives including offering a trial period. The business grounds for refusing the request must be stated.

Dear:

Job Title:

Date:

Department:

Following receipt of your application and our meeting on
I have considered your request for flexible working.

Date:

☐ I am pleased to confirm that I am able to accommodate your flexible working application on a substantive / temporary basis.

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

Your new working pattern will be as follows:

Your new working arrangement will commence from:

Date:

☐ I am sorry, but I am unable to accommodate your request, please see page 2 of this form.

NOTE TO THE EMPLOYEE

Please note that the change in your working pattern will be reviewed regularly, and at appraisal to ensure continuing fit with the service / your needs. If you have any questions on the information provided on this form, please contact me to discuss them as soon as possible. Please sign below to confirm your acceptance of the new working pattern. Keep a signed copy of this form for your files, returning the original signed document to me to place in your personal file.

Name:

Date:

☐

Changes form to Payroll if contractual change e.g., in hours of work

Your request has been rejected on the following business grounds(s):

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The grounds apply in the circumstances because:

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(You should also explain why any other work patterns you might have discussed at the meeting are also inappropriate. Please continue on a separate sheet if necessary).

Name:

Date:

Copy to be placed on employee's personal file

NOTE TO THE EMPLOYEE

If you are unhappy with the decision you may appeal against it. You must submit a written appeal to the next level of management within 14 days of receiving written notice that your application has been rejected. The Flexible Working Appeal Form (FWR4) is available for this purpose.

NOTE TO THE MANAGER

The Trust is monitoring all Flexible Working applications, accepted or rejected. Please ensure a copy of this form or subsequent appeal and outcome documentation is copied to the HR Department (via email to sfh-tr.healthrosteam@nhs.net).

FLEXIBLE WORKING – EXTENSION OF TIME LIMIT FORM (FORM FWR3)

NOTE TO THE MANAGER

You may complete this form when confirming an agreement with your employee that you wish to extend a time limit for any part of the process.

To:	<input style="width: 95%;" type="text"/>	Job Title:	<input style="width: 95%;" type="text"/>
	Please print		
Manager:	<input style="width: 95%;" type="text"/>	Department:	<input style="width: 95%;" type="text"/>
	Please print		

I wish to extend the time limit in order to: (Please tick as appropriate)

- Arrange a meeting to discuss your application ☐
- Notify you of my decision regarding your application (14 days) ☐
- Arrange a meeting to discuss your appeal (14 days) ☐
- Notify you of my decision regarding your appeal (14 days) ☐

I wish to extend the time limit by days.

This means that I will have until Date: to complete the necessary action.

I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it to me.

Signed: <input style="width: 95%;" type="text"/>	Date: <input style="width: 95%;" type="text"/>
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NOW PASS THIS APPLICATION TO YOUR EMPLOYEE

Cut this slip off and return it to your manager in order to confirm your acceptance of their extension request.

Employee's Agreement to Time Extension (to be completed and returned to your manager)	
To:	<input style="width: 95%;" type="text"/>
I accept your request to extend the amount of time to:	<input style="width: 95%;" type="text"/>
Signed: <input style="width: 95%;" type="text"/>	Date: <input style="width: 95%;" type="text"/>

Copy: Personal file

**FLEXIBLE WORKING – APPEAL FORM
(FORM FWR4)****NOTE TO THE EMPLOYEE**

If your application has been refused, you should use this form to make your appeal to the next level of management. You should set out the grounds on which you are appealing and do so within 14 days of the date of the written notice that your application has been turned down.

NOTE TO THE SENIOR MANAGER

This is a formal appeal made under the legal right to apply for flexible working. You normally have 14 days following your receipt of this form in which to arrange a meeting with your employee to discuss their appeal.

APPEAL DETAILS

To:

I wish to appeal against the decision to decline my application for flexible working. I am appealing on the following grounds:

Signed:

Dated:

SUBMIT THIS FORM TO THE NEXT LEVEL OF MANAGEMENT**FLEXIBLE WORKING APPEAL REPLY FORM
(FORM FWR5)****NOTE TO SENIOR MANAGER**

You may complete this form when replying to an appeal where an application to work flexibly has / has not been approved. You must return this form to the individual(s), giving notice of your decision, normally within 14 days after the meeting at which you both discussed the appeal. If you decide to turn down the appeal, you must state the grounds for your refusal.

Dear:	<input type="text"/>	Job Title:	<input type="text"/>
Date:	<input type="text"/>	Department	<input type="text"/>
Following our meeting on: _____			
I have considered your appeal against the decision to refuse your application to work a flexible working pattern. I am able / unable to accommodate your original request to change your working pattern as follows:			
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>			
Signed:	<input type="text"/>		

NOTE TO THE EMPLOYEE

Please note that the change in your working pattern will be a temporary / substantive change to your terms of employment. However, should service / your needs change we may have to review this decision. You have no right in law to revert back to your previous working pattern.

Copy to:

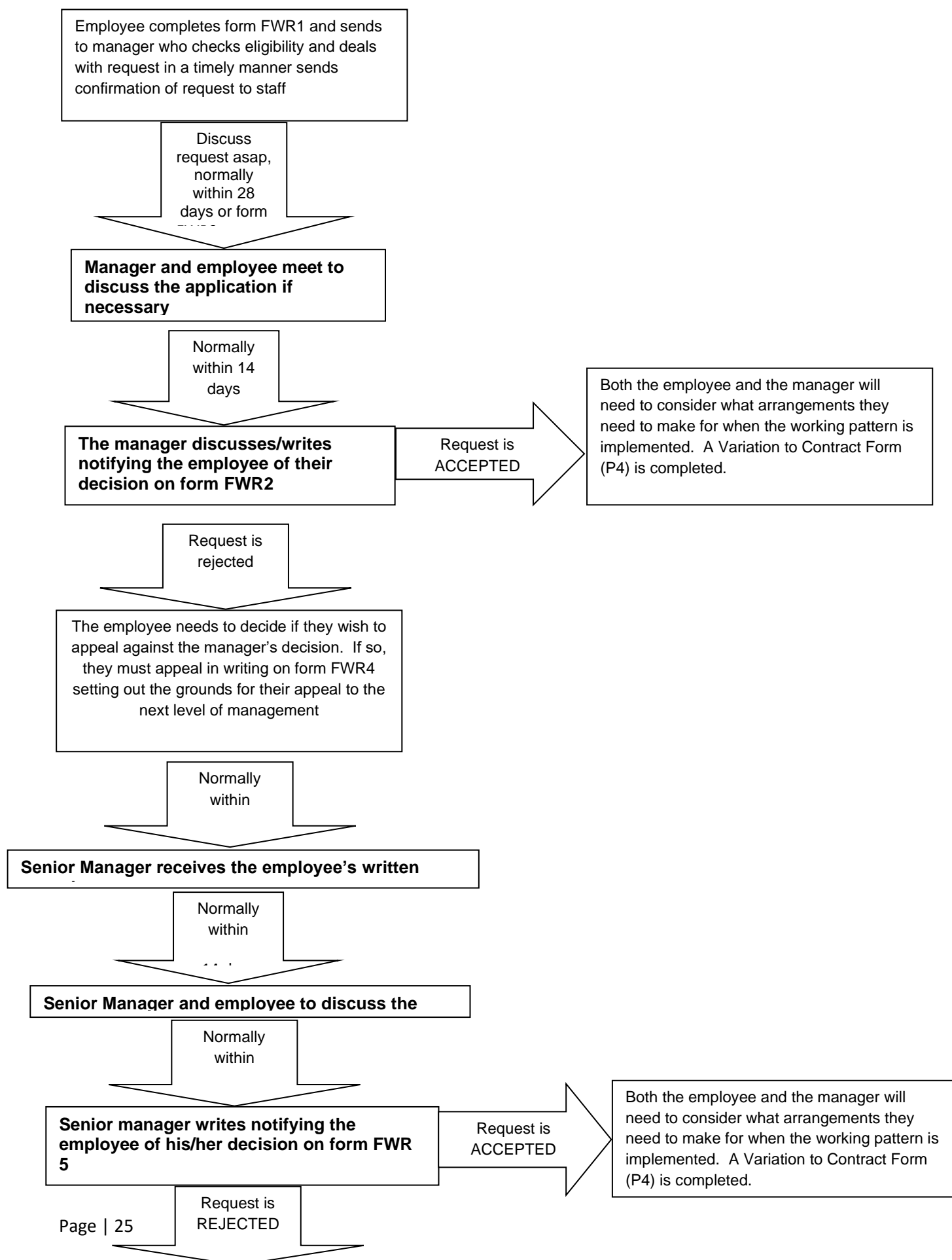
Applicant

☐

Personal File

☐

FLEXIBLE WORKING APPLICATION PROCESS



Evaluating a request for flexible or part-time working – Manager's Checklist

Which options are being considered (tick box)?

Part-time options	<input type="checkbox"/>	Full-time options	<input type="checkbox"/>
Fixed part-time hours		Shift working	
Term-time working			
Voluntary reduced work time		Compressed hours	
Flexible part-time hours		Flexitime	
Job-share			
Annual hours		Annual hours	
Homeworking		Homeworking	

GENERAL	Do you know why the employee has asked for this particular arrangement? Would another arrangement be equally suitable for their needs?
	If the requested option is not referred to in the Guidance, it may still be considered if it meets service and individual needs.
	Are there any other staff already working this arrangement, formally or informally? What feedback can you get from them to help you make your decisions?
	Do you know anyone who is managing/has managed the proposed arrangement and can give you advice?

IMPACT ON THE SERVICE	What are the likely effects of this change to the service or other staff's working arrangements?
	Will the benefits outweigh any potential adverse effects for service users/staff? How can any adverse impact be minimised?
	What is the likely impact on other staff? Will the benefits outweigh any potentially adverse effects on other staff?
	Are there peaks and troughs of demand in the service which this new arrangement could meet?
	What are the implications for service/staff costs and cips?
	Will this arrangement increase the number of staff you need, if so, can it be considered as a suitable option?
	Will it make current staff management arrangements more complex? If so, how can this be managed?
	Would the employee need any extra training or development in order to get the best out of the new arrangement? If so, how can the training be provided quickly and efficiently?

	Does the employee work as part of a team? If so, does s/he understand his/her obligations to the rest of the team under the new arrangements?
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IMPACT ON STAFF MEMBER	Is the employee fully aware of the financial implications of changing their proposed way of working (including implications on pay, pension, travel etc.)?
	Does the employee understand the implications for their own well- being?
	Has the employee discussed the proposed arrangement with family and others on whom the new arrangement may depend and obtained their support?
	If the request is for home working, does the employee understand that this is not a substitute for having childcare arrangements in place?
	Does the employee understand this will be a permanent change if it affects the weekly number of hours worked?

STAFF MANAGEMENT ISSUES	Will there be any need to change the way the employee's performance or attendance etc. is recorded?
	How will the employee be kept informed of latest developments relevant to their work?
	How will the employee keep you informed of latest developments relevant to their work?
	Does there need to be any change to arrangements for clinical supervision, development and training?
	What arrangements will be needed for team meetings if appropriate?
	What arrangements will be needed for staff / clinical supervision and appraisal / performance management meetings
	Are any special arrangements needed for holiday cover?
	Will there be any additional travelling expenses or changes to travel or for claiming expenses?
	Will there be a trial period, when will it be reviewed?
	If the request is for home working have you considered the Health & Safety implications?

Guide to making flexible working requests

This flowchart has been designed to support both line managers and staff in the NHS understand the steps involved in making a request for a flexible working arrangement. It takes into account changes to the [NHS Terms and Conditions Handbook that came into effect on 13 September 2021](#). The flowchart should be used alongside your organisation's flexible working policy which will contain the detailed information you need to make a request.

