

# Flexible Working Policy

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1.0		Adoption by CCG	Nov 14	HR	

## **FLEXIBLE WORKING POLICY**

### **1. POLICY STATEMENT**

- 1.1 The organisation acknowledges the importance for employees in achieving a balance between work and family commitments and is committed to providing a range of flexible working options in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services.
- 1.2 The organisation will consider flexible working options as part of their statutory duty to make reasonable adjustments for disabled staff, staff with dependants and staff who are returning from maternity leave.
- 1.3 The organisation will extend the opportunity to apply for flexible working arrangements to all employees. The organisation will, however, place restrictions on the operation of flexible working if it deems it necessary for the proper conduct of its business and in accordance with the permitted statutory grounds for refusal. South Lincolnshire CCG reserves the right not to agree to the request where one or more of these criteria indicates that, in the current circumstances, the job under consideration can only be carried out effectively in its current form.

### **2. SCOPE OF THE POLICY**

- 2.1 This policy applies to all employees of South Lincolnshire CCG, who have at least 26 weeks' continuous service with the organisation.
- 2.2 The main flexible working arrangements covered by this policy are as follows, although these are not exhaustive and employees may request consideration of other arrangements, subject to meeting the relevant criteria:
  - part-time working, where a person works to a pattern and number of hours by mutual agreement
  - job sharing, where two or more people share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them
  - flexi-time, where employees can choose their own start and finish time around fixed core hours
  - annual hours contracts, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year
  - flexible rostering, using periods of work of differing lengths within an agreed overall period
  - term-time working, where people work during the school term but not during school holidays
  - school-time contracts
  - tele-working, where people work from home for all or part of their hours with a computer or telecommunication link to the organisation
  - fixed work patterns or self rostering

- flexible retirement.
- Compressed hours, where employees work greater hours over a set period for example working 37.5 hours over 4 days rather than 5 days etc.

### **3. GENERAL PRINCIPLES**

3.1 The operation of the Flexible Working Policy is guided by a number of important principles that will guide all decision making in this area.

3.1.1 It is the manager's responsibility to oversee and manage the working time arrangements for their team.

3.1.2 Individuals must consider the wider perspective when contemplating changes in their working time.

3.1.3 Managers will respond positively to all requests for changes to individual working time.

3.1.4 All requests for flexible working will be treated with respect and should benefit both the organisation and the individual.

3.1.5 Each request and arrangement will be treated on an individual basis, and each case taken on its own merits.

3.1.6 All jobs should be considered for flexible working; if this is not possible the manager must provide written, objectively justifiable reasons for this and give a clear, demonstrable operational reason why this is not practicable.

### **4 ROLES AND RESPONSIBILITIES**

4.1 The role of the manager

- To lead by example.
- To monitor and balance working time for their team.
- To take the initiative with staff who are working long hours to establish the reasons why and find a way to manage their time so that the hours worked reflect those that are required.
- To consider all requests for flexible working positively.
- To take the decision to vary working time within the principles of the policy.
- To monitor the level of service to ensure seamless, high quality delivery is maintained.

4.2 The role of the employee

- To treat all colleagues as individuals, supporting their team to develop a culture of mutual trust and respect.
- To manage their working time effectively.
- To accurately record all working time where required.

- To be proactive in proposing changes to their working time where their circumstances require it taking into account the impact on their and the organisation's effectiveness in meeting service requirements
- To be responsive and constructive in discussing options with their manager.

## **5. PROCEDURE FOR APPLYING FOR A CHANGE IN CURRENT WORKING ARRANGEMENTS**

- 5.1 In order to allow sufficient time for a request to be considered and any other action to be taken, employees should allow as much time as possible before they wish their revised arrangements to take effect.
- 5.2 The employee should put their request in writing to their line manager stating the type of flexible working arrangement they wish to apply for, how this is likely to impact on the current individual/team, how this can be overcome and making suggestions as to how their flexible working arrangement might be accommodated within their work area.
- 5.3 Within 28 days of the request being submitted, the manager will arrange to meet with the employee to explore the request in detail, including the application of the desired work pattern and its impact on the team/organisation work activities. It will also provide an opportunity to consider other alternatives that may not have already been considered by the employee/employer.

Whilst the aim will be to benefit both the service and the individual, managers should carefully consider approval of requests where there is no detriment to the service. The employee will be entitled to be accompanied to the meeting by a work colleague or Trade Union/Staff Association representative if he/she wishes.

- 5.4 Within 14 days after the date of the meeting the manager will write to the employee either confirming agreement to the request or any alternative discussed to the request and the agreed start date; or to provide a clear business reason, including a detailed account of the service implications, as to why the request cannot be accepted. This will also provide for an interim response to be made where the manager needs to take further action before a final decision can be made (for example, if a job share arrangement is requested, a job share partner will need to be recruited before the change can be made).
- 5.5 Where a request is agreed, this will be subject to review after 3 months to ensure that it is meeting both the needs of the service and the needs of the individual. The manager will complete the appropriate documentation, as required and the revised arrangements and trial period will be formally confirmed in writing.
- 5.6 At the end of the 3 month trial period, a review meeting will be arranged and it will be confirmed in writing that the new arrangement is to continue or if the employee is to revert to their previous working arrangements.

5.7 If the manager is unable to agree to the request, the application may be refused on one or more of several grounds, these being that the proposed changes will result in:

- a burden of additional cost
- a detrimental effect on ability to meet customer demand
- an inability to re-organise work among existing staff
- an inability to recruit additional staff
- a detrimental effect on quality
- a detrimental effect on performance
- an insufficiency of work during the periods the employee proposes to work
- a planned structural change
- any other ground allowed by regulations..

5.8 In deciding whether the above grounds are met, a wide range of criteria will be taken into account, including (by way of example only) the following:

- service needs
- the suitability of the job for the flexible arrangements proposed, eg the nature of the work, the hours needed and the need for continuity and constancy
- the current balance of full-time and part-time and other flexibly working employees within the department or team
- the feasibility of covering the remaining hours
- the nature of the vacancy should the employee subsequently leave.

5.9 Where a request is rejected, the employee has the right of appeal against the decision.

5.10 Any of the timescales referred to above may be extended by mutual agreement. Such an agreement must be recorded in writing, specify what period the extension relates to, the reasons for the delay and what date the extension will end.

5.11 Where the new arrangement is confirmed, this will not be changed unless a further request is submitted. In all cases, the employee will not be permitted, unless there are very exceptional circumstances, to request a further variation to their working arrangements for at least 12 months.

#### 5.12 Appeal Hearing

Employees have the right of appeal against a decision made as a result of a flexible working request. They should appeal in writing to the relevant senior manager stating the grounds on which they appeal within ten working days of receipt of the outcome of the meeting.

The purpose of the Appeal Hearing shall be to review the decision of the manager who heard the flexible working request. The Chair of the Appeal Hearing will review the original request with potential outcomes as follows:

- They agree with the original outcome of the request
- They have authority to over-ride the original decision

The employee will be notified verbally of the outcome of the Appeal Hearing as soon as practicably possible with written notification being sent within 10 days of the date of the Hearing. If this is not possible, then the employee will be notified of the delay, reasons for that delay and when an outcome can be expected.

This will be the final stage in this process.

## **6. REVIEW OF POLICY**

This policy will be reviewed every 3 years from the date of implementation.

The policy may be reviewed at an earlier date if necessary, for example, to update it in line with changes in employment law or good practice.