

**FLEXIBLE WORKING POLICY & PROCEDURE**

<b>1</b>	<b>SUMMARY</b>	Flexible Working Policy & Procedure			
<b>2</b>	<b>RESPONSIBLE PERSON:</b>	Jennie Williams, Director of Nursing and Quality Islington and Islington CCGs			
<b>3</b>	<b>ACCOUNTABLE DIRECTOR:</b>	Chief Operating Officer			
<b>4</b>	<b>APPLIES TO:</b>	All employees			
<b>5</b>	<b>GROUPS/ INDIVIDUALS WHO HAVE OVERSEEN THE DEVELOPMENT OF THIS POLICY:</b>	HR, NEL CSU			
<b>6</b>	<b>GROUPS WHICH WERE CONSULTED AND HAVE GIVEN APPROVAL:</b>	NCL Joint Partnership Group – January 2016			
<b>7</b>	<b>EQUALITY IMPACT ANALYSIS COMPLETED:</b>	<b>Policy Screened</b>	Yes	<b>Template completed</b>	Yes
<b>8</b>	<b>RATIFYING COMMITTEE(S) &amp; DATE OF FINAL APPROVAL:</b>	Executive Management Team – November 2017			
<b>9</b>	<b>VERSION:</b>	5			
<b>10</b>	<b>AVAILABLE ON:</b>	<b>Intranet</b>	Yes	<b>Website</b>	No
<b>11</b>	<b>RELATED DOCUMENTS:</b>	Employment Break Scheme Leave Policy & Procedure Ordinary Parental Leave Policy & Procedure			
<b>12</b>	<b>DISSEMINATED TO:</b>	All employees			
<b>13</b>	<b>DATE OF IMPLEMENTATION:</b>	November 2017			
<b>14</b>	<b>DATE OF NEXT FORMAL REVIEW:</b>	Three years from the date of implementation or earlier should there be national NHS terms & condition/ legislative changes			

# **Flexible Working Policy & Procedure**

## Flexible Working Policy & Procedure

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## **Flexible Working Policy**

### **1. Policy Statement**

- 1.1 Islington CCG is committed to providing a range of flexible working options for employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.
- 1.2 This policy sets out the flexible working arrangements that are available within Islington CCG.

### **2. Scope of Request**

- 2.1 Requests to work flexibly will cover the following:
- A change to the hours an employee works;
  - A change to the times an employee works
  - Tele-working
- 2.2 As far as practicable, the different types of flexible working arrangements available to Islington CCG staff include<sup>1</sup>:

<b>Flexible Working Arrangement</b>	<b>Definition</b>
Part-Time Working	System whereby a person works to a pattern and number of hours by mutual agreement
Job Share	System whereby two people share the duties and responsibilities of one full-time post in a partnership arrangement
Term-Time Working	A system whereby the employee works during the school term but takes unpaid leave of absence during the school holidays. Salary is usually paid in 12 equal monthly instalments, and the contract usually specifies that no annual holiday should be taken during term time.
Annualised Hours	A system whereby the employee's contractual hours are expressed as a total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.
Compressed Hours	A system that permits employees to work their total number of contractual hours over fewer working days. For example, a five day week is compressed into four days or four and a half days, or a 10 day fortnight into nine days.

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<sup>1</sup> In line with the NHS Agenda for Change Terms & Conditions [section 34]

Voluntary reduced working time	A system whereby it is agreed that the employee will work reduced hours for a certain period of time at a reduced salary.
Tele-working	A system where people work from home for all or part of their hours with a computer or telecommunication link to their organisation.
Fixed work patterns	A system where days off can be irregular to enable, for example, access by separated parents to see their children and flexible rostering.
Flexi-Time	A system which allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their domestic responsibilities, travel arrangements or for work purposes.
Flexible Rostering	A system where periods of work of differing lengths within an agreed overall period
Flexible Retirement <sup>2</sup>	A system that allows employers and employees to be flexible about the age at which staff retire; length of time staff take to retire and the nature and pattern of work in the lead up to final retirement.

### 3. Eligibility

3.1 In order to make a request under this Policy, a member of staff must:

- Be employed by the CCG;
- Not have made another flexible working request under this Policy in the preceding 12 month period

3.2 Requests for changes to working hours/pattern associated with ill health/disability may be dealt with under the Managing Absence Policy, if appropriate.

### 4. Principles

4.1 The CCG has an overriding responsibility to deliver timely services. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and improving effectiveness.

4.2 Employees may be accompanied to meetings in accordance with this Policy & Procedure by CCG work colleague or trade union representative. Arrangement of the attendance of a Trade Union Representative/CCG work colleague will be the responsibility of the employee.

4.3 The manager may, if they wish, be accompanied by a representative from Human Resources to meetings in accordance with this Policy & Procedure.

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<sup>2</sup> Further information on types of flexible retirement is available at <http://www.nhsemployers.org/your-workforce/pay-and-reward/pensions/pension-scheme-flexibilities/what-are-retirement-flexibilities>

- 4.4 All requests will be given full consideration. If appropriate, alternative flexible working arrangements will be explored with the employee to reach a mutually agreeable arrangement. However, in certain circumstances the needs of the business may not allow for the request to be granted. If a request is denied, a full and detailed reason for the refusal will be given in writing to the employee.
- 4.5 Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.
- 4.6 Managers will ensure that staff who request a flexible working arrangement are aware of the implications (if any) on their terms and conditions of employment e.g. salary, annual leave, pension. Managers should seek the assistance from HR where necessary.
- 4.7 Where a request for a permanent change to an employees working arrangements is requested the CCG reserves the right to impose a trial period, the length of which will be at the line managers discretion but will normally be between 3 and 6 months, to establish whether or not the new working arrangements meets the needs of the service.
- 4.8 Any change agreed will constitute a change to the employee's contract of employment and there is no automatic right to revert back to the previous working pattern.
- 4.9 If for some reason the request cannot be dealt with within the timescales outlined in section 7, 8, 9 & 10 the time limit may be extended where both the employee and the CCG are in agreement. Any such agreement should be made in writing.
- 4.10 Support will be provided to all Line Managers in the implementation and application of this policy.

## **5. Monitoring & Review**

- 5.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 5.2 Applications and outcomes will be recorded and kept for a minimum of one year.

## **6. Breach of Policy**

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy.

## **Flexible Working Procedure**

### **7. How to apply**

- 7.1 All flexible working requests must be made by the employee in writing using the form in Appendix 1 and submitted to their line manager.
- 7.2 The manager will arrange a meeting with the employee to discuss the application, to be held no later than 28 days after the date of application.
- 7.3 The meeting will provide the manager and the employee to explore the flexible working pattern requested and discuss how it might be accommodated. The meeting will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired working pattern outlined in the application form.
- 7.4 The form contained in Appendix 1 should be used to record the notes of the meeting and the decision made.
- 7.5 Should the employee be unable to attend the meeting, a further meeting will be arranged. However, should the employee be unable to attend the re-arranged meeting without good reason then the application will be considered to be withdrawn and the employee will be notified of this decision.

### **8. Outcome of Flexible Working Request**

- 8.1 Decisions will be based on whether the request can be granted on business grounds as the CCG's ability to provide an effective service will be paramount.
- 8.2 A decision will be communicated in writing to the employee within 14 days of the meeting.
- 8.3 The outcome may be to:
  - 8.3.1 Agree to the request and confirm the start date and any other details. Changes to terms and conditions will be put in writing and an amendment to the contract will be sent out as soon as possible.
  - 8.3.2 Confirm a mutually agreed alternative/modified working arrangement agreed at the meeting. Changes to terms and conditions will be put in writing and an amendment to the contract will be sent out as soon as possible.
  - 8.3.3 Turn down the request, detailing the business reasons why the application has been rejected in accordance with section 9 of the procedure. The decision letter will set out the grounds for refusal and why this has resulted in the refusal of the application to work flexibly as well as the right of appeal.
- 8.4 The manager should always contact Human Resources in cases where a flexible working request may be refused.
- 8.5 Should the application be approved, the change will be made on a permanent basis, unless all parties have agreed at the outset that the arrangement is time limited. The flexible working pattern may also be agreed on a trial period by the manager.

## **9. Grounds for refusing a request**

Applications for flexible working arrangements will be refused only for one or more of the following reasons:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes.

## **10. Appeal Procedure**

- 10.1 If an employee wishes to appeal against the decision, they must submit their appeal in writing within 14 days of the date of the letter informing them of the decision. The grounds of appeal must be set out.
- 10.2 The appeal will be acknowledged in writing and an appeal meeting arranged
- 10.3 The appeal meeting must take place within 14 days of the notice of the appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.
- 10.4 The employee will be required to attend the meeting to present their case of appeal in person.
- 10.5 The decision on the appeal will be given within a further 14 days. The decision will be final, with no opportunity to appeal the decision via any other CCG Policies and Procedures.
- 10.6 Should the employee be unable to attend the meeting, a further meeting will be arranged. However, should the employee be unable to attend the re-arranged meeting without good reason then the application will be considered to be withdrawn and the employee will be notified of this decision.

**Appendix 1 FLEXIBLE WORKING APPLICATION FORM [Part 1]  
to be completed by employee**

Please complete this application form if you would like to make a flexible working request in accordance with the Flexible Working Policy & Procedure. Please complete all sections of the form and submit the form to your line manager.

Name	
Job Title	
Directorate	
Manager	

Please tick the following declarations as appropriate

I would like to make a flexible working request that is different from my current working pattern	
I have not made a flexible working request in the last 12 months	
I understand this is my statutory right to apply for flexible working	

Details of flexible working request

Reason for request	
Describe your current working pattern [including days/times/hours worked]	
Describe the working pattern you would like to work in the future [include days/times/hours]	
Please specify when you would like this working pattern to commence from	
Please explain the impact you think the requested flexible working pattern will have on the service and colleagues. How can the impact be dealt with?	
Signature	
Print name	
Date	

**FLEXIBLE WORKING APPLICATION FORM [Part 2]  
to be completed by manager**

Please complete the following sections, including confirmation of the final decision. Managers should adhere to the timescales outlined in section 7 & 8 of the procedure.

Date of meeting	
Names of attendees	
Summary of meeting <i>[Please continue on a separate sheet of paper if required]</i>	

Confirmation of flexible working request outcome [please tick one of the following outcomes]

Outcome 1: Flexible working request is agreed <sup>3</sup>	
<i>Start date of flexible working pattern: Details of flexible working pattern [include days, hours, start/finish times], trial period [if appropriate]</i>	
Outcome 2: Flexible working request is agreed in part/modified flexible working pattern is agreed <sup>2</sup> .	
<i>Start date of flexible working pattern: Details of flexible working pattern [include days, hours, start/finish times], trial period [if appropriate]</i>	
Outcome 3: Flexible working request is not agreed.	
<i>Provide details of reasons for refusing the request [please refer to the business grounds in section 9]. Manager will be required to write to the employee to provide a full explanation as to why the flexible working request has been turned down. Please consult with Human Resources.</i>	
Signature	
Print name	
Date	

Please return the form to [nelcsu.payroll@nhs.net](mailto:nelcsu.payroll@nhs.net)

<sup>3</sup> A request that is made and agreed will normally be a permanent change [unless otherwise stated]. The member of staff has no right to revert back to the previous working pattern [unless otherwise agreed].

**Equality Analysis Initial Assessment**

**Title of the change proposal or policy:**

Flexible Working Policy & Procedure

**Brief description of the proposal:**

To ensure that the policy & procedure is fit for purpose, legally compliant, complies with NHS LA Standards and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Darshna Pankhania, HR Business Partner

**Date of assessment:** 21 January 2015

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity**