

Policy:

HR 021 Flexible Working

Executive or Associate Director lead	Executive Director of Human Resources
Policy author/ lead	HR Adviser
Feedback on implementation to	HR Adviser

Document type	Policy
Document status	FINAL
Date of initial draft	December 2017
Date of consultation	December 2017 to August 2018
Date of verification	December 2017 & June 2018 – Joint Policy Group 28 th November 2018 – Joint Consultative Forum
Date of ratification	23 May 2019
Ratified by	Executive Directors' Group
Date of issue	28 May 2019
Date for review	31 August 2022

Target audience	SHSC staff who wish to work flexibly
-----------------	--------------------------------------

Keywords	flexible working, work life balance
----------	-------------------------------------

Version 2

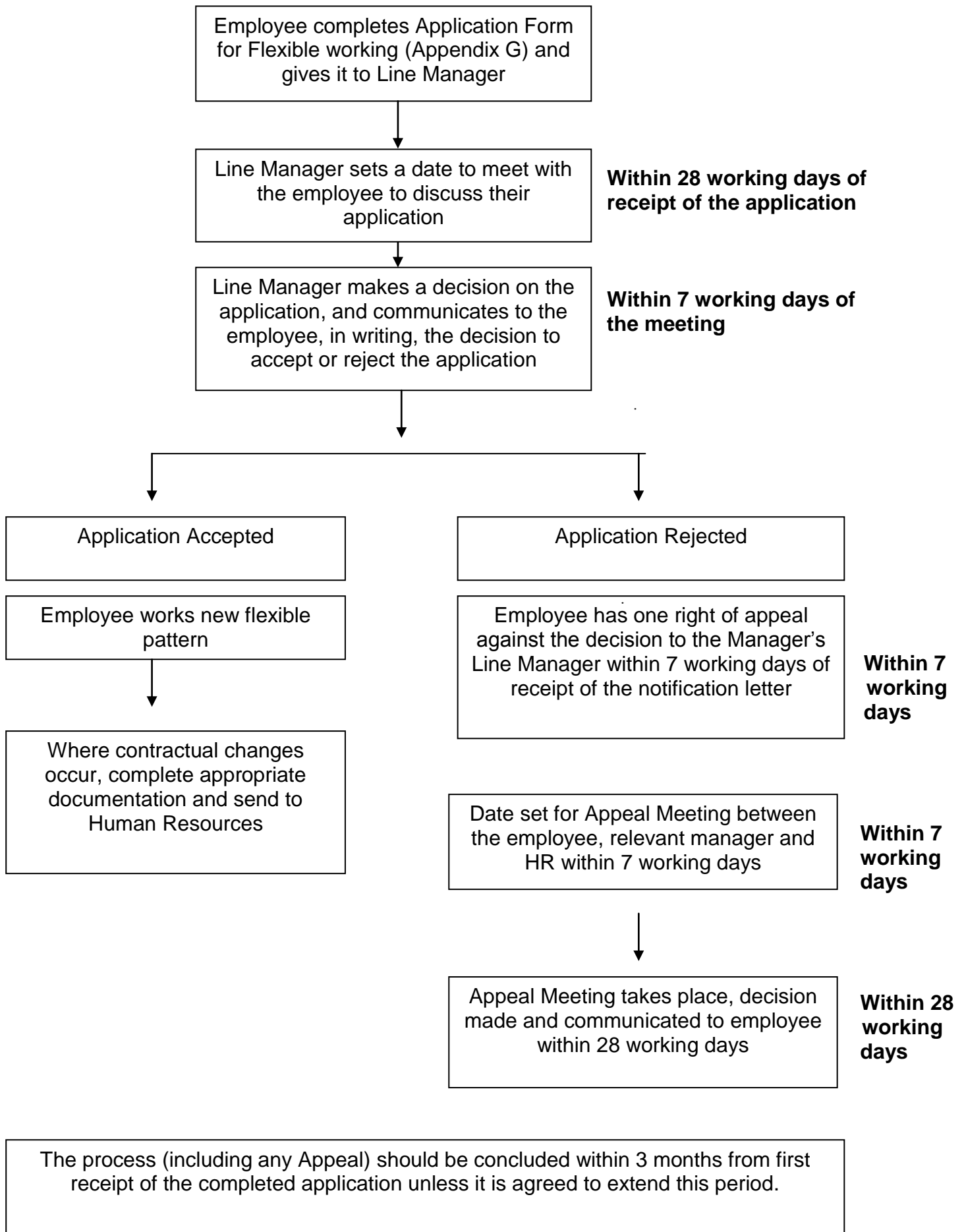
This policy is version 2 and is stored and available through the SHSC intranet and internet. A message will also be published in Connect. It replaces the previous Flexible Working Policy and Procedure and previous copies should be destroyed.

The policy has been amended to incorporate reference to the Voluntary Reduction in Hours Scheme and generally updated, including new formatting requirements.

Contents

Section		Page
1	Flow Chart	3
2	Introduction	4
3	Scope	4
4	Definitions	4
5	Purpose	5 – 6
6	Duties	6 – 7
7	Trust Commitment	7
8	Effects on Terms and Conditions	7
9	Types of Flexible Working Options 9.1 Part Time 9.2 Temporary Reduction in Hours 9.3 Flexi Time 9.4 Job Share 9.5 Term Time Working 9.6 Annualised Hours 9.7 Compressed Working Hours 9.8 E Rostering 9.9 Self-Rostering 9.10 Swapping Hours / Shifts 9.11 Career Break 9.12 Home Working 9.13 Extended Period of Unpaid Leave 9.14 Flexible Retirement 9.15 Additional Annual Leave Scheme	7 – 13
10	The Statutory right to request flexible working	13
11	Application Process	14 – 15
12	Trial periods for flexible working arrangements	15
13	Grounds for Refusal of Request by Manager	15
14	What next if Manager Refusal of Request	16
15	Review of New Arrangements	16
16	Dissemination, Storage and Archiving	16
17	Training and Other Resource Implications	16
18	Audit, Monitoring and Review	17
19	Implementation Plan	18
20	Links to Other Policies	19
21	Contact Details	19
22	References	19
Appendices	Appendix A – Version Control and Amendment Log	20
	Appendix B – Dissemination Record	20
	Appendix C – Equality Impact Assessment Form	21
	Appendix D - Human Rights Act Assessment Checklist	22 - 23
	Appendix E – Development, Consultation and Verification Record	24
	Appendix F – Policy Checklist	25 - 26
	Appendix G – Flexible Working Application Form	27 – 33
	Appendix H – Flexible Working Arrangement Acceptance Form	34 – 35
	Appendix I – Flexible Working Application Rejection Form	36
	Appendix J – Example of Working Annualised hours	37
	Appendix K – Annualised hours timesheet	38
	Appendix L – Flex-time Sheet	39

1. Flow Chart of Application Process



2. Introduction

This policy states what arrangements are in place for Flexible Working for all employees. The Trust aims to support all formal requests for flexible working wherever these can be reasonably accommodated.

3. Scope

This is a Trust-wide Policy and relates to all Sheffield Health & Social Care NHS Foundation Trust employees. This includes staff with parental responsibilities, carer responsibilities, or employees who wish to request flexible working for any other reason. The flexible working options described in this policy may be particularly appropriate in making reasonable adjustments for employees with a disability under the Equality Act 2010 or when seeking to accommodate an employee who is a carer of a child or adult.

4. Definitions

Part-time	Works less than full-time hours on a permanent basis.
Temporary Reduction in Hours	Works reduced hours for an agreed period of time – usually up to one year.
Flexi-time	Works same hours each week / period, but with flexible daily start and end times.
Job Share	A full-time job split between two employees.
Term-time	Works only during school terms, does not work school holidays. Pay averaged over the year.
Annualised Hours	Flexing the working year, with the number of hours averaged over the year, normally paid in equal monthly instalments.
Compressed Working Hours	Works the agreed number of hours over a shorter number of days.
Self Rostering	Staff team work together to agree the staff that make up the rota.
Swapping Hours / Shifts	Staff swap hours or shifts with colleagues doing the same type of work at different times of the day.
Career Break	Employment break scheme on an unpaid basis from 6 months to 5 years.
Home Working	Working from home on a systematic basis rather than incidental homeworking such as doing some additional work at home or one-off situation.
Extended Period of Unpaid Leave	Request to take a break from work for between one and three months without pay
Flexible Retirement	Step down, wind down or retire and return to work to ease into eventual full retirement.
Additional Annual Leave	To obtain additional annual leave under a salary-sacrifice scheme.

5. Purpose

The Trust believes that the right staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available within the community. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their working time.

The Trust recognises the importance of helping and supporting its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life and other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the Trust.

This policy aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Trust and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress. The policy provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the Trust.

Although it is recognised that not all of the flexible working patterns described will be suitable for all sections of the Trust's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Trust will be considered for flexible working regardless of their age, sex, gender reassignment, religion or belief, disability, family/marital status or civil partnership, pregnancy/maternity, political beliefs, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns – each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual or team performance.

In order for the Trust to fully consider requests under this policy, the employee must provide as much information as possible regarding the desired working pattern. In order to be considered the request must be in writing, on the application form provided, and include, at a minimum, the following information:

- The date of the application, the change of working conditions they are seeking and when they would like the change to come into effect.
- What effect, if any, they think the requested change would have on the Trust and how, in their opinion, any such effect may be dealt with.
- (as the request under this policy will also be regarded as a statutory request – see Section 10), the statement that this is a statutory request. *
- The date at which they have made a previous application for flexible working.

* (NOTE – This applies unless the employee does not meet the eligibility requirements for the statutory scheme).

Only one request is allowed in any 12 month period. However, whether under this policy or the statutory procedure, the Trust may agree to consider a further request in the light of exceptional circumstances (for example, a new development relating to caring responsibilities).

Where a meeting is arranged to discuss the application and the employee fails to attend both this and a re-arranged meeting (without good reason), the request can be considered as withdrawn and the employee will be notified accordingly.

6. Duties

To ensure the effective implementation of this policy the following responsibilities are identified:

Executive Directors

The Director of Human Resources will take overall executive responsibility for and lead on the implementation of the policy.

Employees

To apply to work flexibly you will need to complete the attached Flexible Working Application Form. This form should be submitted to your relevant line manager. Staff must also:

Attend regular reviews with your line manager on an annual basis and keep them informed of any change in circumstances.

Demonstrate flexibility in order to be able to attend mandatory training.

If your personal circumstances change there is an expectation that you should consider not only your own circumstances, but also the direct impact any flexible working pattern may have on patient care, your team and other colleagues.

On your application you must specify whether the application is being made in relation to the Equality Act 2010 e.g. a reasonable adjustment for a disability.

Where home-working is being considered the employee must take care of their own health and safety and that of other people who may be affected by their activities at work. They should also inform their line manager of any situation which could present a danger to health and safety, or of any shortcomings in the proposed or actual health and safety arrangements.

Line Manager

Your line manager will consider whether the current pattern of working is necessary for the performance of a particular role. Your line manager will treat your application fairly, sensitively and ensure all personal information, including medical diagnosis, is kept confidential to the relevant parties concerned.

Your line manager will set a date to meet with you within 28 working days of receipt of your application to discuss your request for flexible working.

Once a request for flexible working is received, your line manager will consider in conjunction with you the effects which this request has on service delivery and colleagues.

Your line manager will make a decision within 7 working days of the meeting on whether the application is approved or rejected and will communicate the decision to you in writing.

If your line manager approves your application for flexible working a review meeting will be held with you on at least on annual basis.

7. Trust Commitment

Balancing work with personal commitments is something that all employees have to do. There is no doubt that the way our working life is organised makes a big difference to the quality of the rest of our lives. Work-life balance is not only about families and childcare. Nor is it about working less. The Trust recognises that flexible ways of working benefit everyone. It helps to retain skills, which could otherwise be lost, and helps to maintain a less stressed workforce.

Flexible working options also apply as part of the Trust's duty to make reasonable adjustments for employees with a disability, job applicants with a disability and employees returning from maternity leave.

The Trust has worked flexibly with many of its employees working shift patterns but certain hours of work may be necessary to meet the needs of our patients and service users.

A guiding rule is that Flexible Working must not impact negatively on the quality of services provided by the Trust.

The Trust recognises that personal circumstances change throughout an employee's working life, which may lead to a review of their current working pattern. You may need to change your work pattern to help balance work and home life, for example on the birth of a baby, when a child reaches school age, to cope with ageing relatives, or to meet other personal commitments such as re-training or gaining further qualifications.

8. Effect on Terms and Conditions

This very much depends on which form of flexible working is chosen but:-

- Any change in hours of work will not only affect pay, but also pension. Therefore, any employee considering a reduction in hours should contact the relevant Pension Provider in order to discuss their individual circumstances.
- A reduction in working days or working weeks may see a reduction in annual leave allowance.

9. Types of Flexible Working Options

The Trust offers a range of flexible working patterns, which enable you to balance your home and work life. The various forms of flexible working arrangements are listed below. It should be recognised, however, that not all the forms of flexible working arrangements will be suitable for all posts within the Trust.

9.1 Part Time

This is where an employee is contracted to work less than the full time hours for the post on a permanent basis. It is one of the most popular forms of reduced hours working and there is no minimum requirement to the number of hours worked. A reduction to part time hours is usually a permanent change to the employee's contract. It can be worked on a temporary basis if agreed by both parties.

Agreeing the actual hours to be worked will be dependent upon the needs of the service and the circumstances of the employee, but there is a need to be realistic in terms of the times given to the tasks that are required. It is also good practice to agree any management and handover practices which may be necessary as part of the role so that the role is clearly defined.

There are opportunities to reduce the hours of a job in a number of ways: -

- Working reduced hours over 5 days
- Working a reduced number of days in the week
- Working alternating weeks
- Working an agreed number of hours over an agreed period of time

Part-time employees receive pro-rata benefits, such as salary and annual leave, and there is no restriction on the number of hours needed to work to join the NHS Pension scheme.

Employees considering part-time work need to discuss this with their line manager and together think flexibly about how part-time hours may suit the post.

9.2 Temporary Reduction in Hours

This flexible way of working is a system which allows you to agree you to request to reduce your hours, with a reduction in your salary and benefits, for an agreed period of time for a maximum period of twelve months. There is a guarantee that you can return to your original hours when the period ends.

The main advantage to this method of working is its level of flexibility, but with the security of knowing you can return to your original hours.

The Trust has introduced a specific Voluntary Reduction in Hours Scheme which is available on a yearly basis (contact HR for further details). The main distinction is that the individual would revert to their usual hours at the end of the scheme's temporary reduction in hours and that should a redundancy occur during the period of the reduced hours, the calculation of the redundancy payment would be based on the hours applying before the reduction in hours. Under the scheme, the arrangement requires Director sign-off.

It is possible for line managers to agree temporary reductions in hours to meet short term changes in circumstances without the need for a flexible working request. However, if an employee is seeking a longer term arrangement (more than 1 month), with the commitment to there being no impact on any redundancy payment, then a flexible working request is required.

9.3 Flexi-time

Flexi-time can vary from work area to work area, with systems allowing you to start and finish work at different times in order to complete your working hours each week.

Other systems have 'core' attendance periods when you are expected to be at work. However, this also allows periods when you can work more or less than your contracted hours, provided that you cover your total contracted hours over a set period of time, normally one month.

(Example of a flexi-time sheet at Appendix F).

All flexi-time systems are based on achieving a workable balance between service provision and employee's needs. A flexi-time system will tend to apply to teams rather than individuals and may not be appropriate to service needs.

9.4 Job Share

Hours of work on a job share are usually split 50:50 between the two employees, but this does not necessarily have to be the case. Jobs shares mostly involve two people voluntarily sharing the responsibility of one full time job, including the workload, pay and benefits on a pro-rata basis according to the time each job share partner works.

It is important to note that it is not 'part-time' working, and therefore the job sharers are responsible for the whole job, including keeping each other up-to-date on developments and handing over work. If you would like to job share you should first discuss this with your line manager.

This discussion should take place at least 3 months before you wish to begin the job share. You do not need to find a job share partner, but it would be good if you can. If you do identify a job share partner, your line manager should instigate the formal recruitment and selection process to determine whether the partner is suitable for the post.

If you cannot identify a job share partner, an advertisement will be placed and the normal recruitment and selection process will be followed. However, there is no guarantee that a suitable person will be found, and if not, your line manager will need to discuss the next steps with you.

Please refer to Job Share Scheme Policy for further details.

9.5 Term-time Working

Employees who work in term-time only, generally do not work at all during the school holidays. These contracts do not exceed 39 weeks of the year, allowing for at least 13 weeks of school holidays each year. The salary each month is based on the weeks worked in the year divided into twelve equal amounts.

It should be recognised that demand for our services does not tend to reduce significantly during school holidays, and that people still need care all year round.

9.6 Annualised Hours

The aim of this flexible way of working is to achieve a more even match between the supply of employees to meet the demand for the service, by distributing the hours worked by employees to coincide with actual levels of need - flexing the working year.

The basic principles of annualised hours is that instead of defining working time in terms of a standard working week, the number of hours are averaged over the year. Annualised hours allow an employer to have greater flexibility to match staffing levels throughout the year taking into account busy periods.

The total number of hours to be worked is agreed at the outset. Exactly when these hours are worked each week or month is a matter of agreement between your line manager and yourself.

The hours obviously need to be monitored and recorded carefully. At two monthly intervals, a comparison of the hours you have worked against hours you have been paid is evaluated and changes put in place if needed.

The salary is normally paid in equal monthly instalments based on the total number of hours agreed for the year divided by 12 (monthly pay periods) regardless of the actual number of hours worked.

Example of Annualised Hours at Appendix D and recording sheet at Appendix E.

9.7 Compressed Working Hours

This method of working allows you to work a total number of agreed hours over a shorter number of days. For example, working full time hours over a four-day period giving one day off a week, or full time hours over a nine-day period giving one day off a fortnight. Annual leave entitlement will be adjusted accordingly.

This can be beneficial for all types of employees, allowing time to pursue further education or leisure activities for example.

9.8 Rostering

The Trust has a duty to the people who use its services to ensure they are safe, effective and efficient. Rostering is fundamental to providing services that are safe and effective whilst at the same time enabling employees to be deployed in the most efficient way, and to ensure the best use of public money in the delivery of NHS services.

All staff rotas are based on service needs and provide the best level of care and support within agreed resources.

In deploying this system employees account of the importance of work life balance is taken into account without compromising the most effective and efficient way to meet the needs of service users. It is important that rotas are drawn up fairly, transparently and in a timely manner and that they reflect the need to both appropriately plan care and as far as reasonably possible, to support employees achieve a positive work life balance.

Specific rules apply, which are set out in the Rostering Policy.

9.9 Self-Rostering

Self-rostering gives you more control over your working time. The numbers of employees and skill mix, which is required for the service, is set and then the staff team work together to agree the rota, which meets the needs of the service and your own personal and contractual circumstances.

9.10 Swapping Hours / Shifts

This is a system whereby you can swap hours or shifts with colleagues doing the same type of work at different times of the day. Obviously this must be mutually agreeable and notified to your line manager. The benefits to you are that occasional changes of hours or shift can be organised, e.g. to attend a school sports afternoon or prize giving, to be at home for a delivery, or to have repair work done. It may not be possible to accommodate shift swaps between employees who are paid at different rates.

9.11 Career Break (Employment Break Scheme)

A career break allows you to have a complete break from your job on a temporary, unpaid basis. You may consider a career break for many reasons, to accommodate a change in domestic arrangements, or to pursue personal goals such as travelling or higher education. The time you are allowed off ranges from six months to five years. To be eligible for this scheme, you need to have worked continuously for the Trust for a minimum of twelve months.

You will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. In these circumstances written authority will be required from the Trust.

Please refer to Career Break Policy.

9.12 Home Working

A key requirement is that the role should be performed just as well away from the normal base as it would be by working at the normal base. It is for the Trust to determine, in making decisions fairly and consistently whether a job is suitable for home-working or not. A checklist of considerations specifically relating to homeworking requests is included in the application form.

Many employees have equipment they can use at home, such as a computer, or it may be possible to borrow work equipment. If you are considering working from home you must liaise with your line manager and IT concerning security, confidentiality and safety issues connected with using IT equipment off site.

A risk assessment of the activity which you will be undertaking should be carried out identifying any hazards, taking enough steps to prevent harm to yourself or others.

There can be down sides to working from home such as isolation from colleagues or less of a distinction between work and home life.

ACAS have produced the following document: 'Home-working – a guide for employers and employees' and line managers and employees should consider this advice and seek further clarification from HR as appropriate.

9.13 Extended Period of Unpaid Leave

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

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

Employees should put the request for extended unpaid leave in writing to their line manager, giving as much notice as possible. The line manager should confirm the outcome in writing and if successful, the line manager should notify Victoria Payroll Services of the period of unpaid leave.

If the request is rejected a right of appeal may be lodged to the line managers line manager (within 7 working days of original decision).

9.14 Flexible Retirement

Flexible retirement schemes are designed to enable staff and the Trust to achieve a balance between retaining valuable skills and experience but allowing you to ease into retirement. This can be achieved through a number of options. Step down, wind down, retire and return. As with all matters relating to pensions, you are advised to seek advice and guidance from the Pensions Section of Victoria Pay Services.

The Trust does not have a compulsory retirement age. Consequently, when an employee reaches the age when their occupational pension becomes payable, it is their decision as to whether to leave employment and/or access their pension. Some employees may wish to access their pension and return to work (e.g. full-time member of staff may wish to change to a part time basis). In such a situation, a flexible working request must be made under this policy as there is no automatic right for this to occur. When making such a request it is the employee's responsibility to initiate the relevant pension arrangements with their provider and, when doing so, it should not be assumed that a request for change in working arrangements will be granted.

The employee should be aware that under the NHS pension scheme there is a requirement for a 2 week break in service prior to any approved return to work and that there are restrictions on the number of hours which can be worked in the first month after their return. By accessing their NHS pension, employees cannot count their service prior to the break for any occupational redundancy pay entitlement but future service will count in the normal way. In order to seek to apply the same principle to statutory redundancy pay, the Trust will require, as part of any approved request, a break of two weeks. Continuity for other terms and conditions will still apply in the normal way although on an appropriate pro rata basis.

More detailed information is provided in the Retirement Policy.

9.15 Additional Annual Leave Scheme

The Trust makes annual provision for purchasing additional annual leave up to a maximum of 30 days per leave year (1 April – 31 March).

The Additional Annual Leave Scheme enables employees to reduce their working hours and work more flexibly. It has the potential to: assist staff with their health and well-being by increasing their scope to determine their work/life balance; reduce the workforce budget; and ensure that key skills and knowledge are not lost to the Trust.

For further guidance on the Additional Annual Leave Scheme, please refer to the Trust's Leave Policy or see the Staff Benefits page on the HR Department widget on the intranet.

10. The Statutory Right to Request Flexible Working

There is a statutory right to request flexible working which applies to employees who have 26 weeks continuous employment with the Trust at the date of the request. The Trust Scheme extends this right to request flexible working to all employees.

Originally the statutory right applied only to employees who had caring responsibilities for children. However, from 30th June 2014, the Government extended the right to request flexible working to all employees and placed a duty on employers. The Trust has a duty to consider all requests in a reasonable manner and should only refuse them if there is a good business reason for doing so. The Trust policy has always applied to all employees.

The Trust policy is consistent with the requirements of the legislation and also associated guidance (i.e. ACAS Code of Practice and ACAS guide to handling requests in a reasonable manner).

Both the legislation and the Trust policy provide a right to request flexible working and do not provide a right to have the request accepted. Whether a request will be accepted or not will depend on the circumstances and the Trust has the right to refuse a request based on the grounds set out in the following section. The Trust's responsibility is to consider the request, carefully looking at the benefits of the requested changes in working conditions for the employee and the Trust's services and weighing these against any adverse impact on services as a result of implementing the changes. The application form requires the impact on services to be considered by the employee at the time of the request so that all parties are aware of the relevant considerations.

Although the statutory right no longer specifically applies to those with caring responsibilities, the Trust will be mindful of its obligations in respect of equal opportunities and diversity. In particular requests which are made in such circumstances will be considered taking account of any potential implications for unlawful discrimination. This is why it is very important that employees indicate on their application whether they believe that their request is related to the Equality Act 2010. Further guidance is given in the Equal Opportunities and Dignity at Work Policy. In cases of doubt HR should be contacted by either the relevant employee or line manager.

Statutory requests can only be made once in any 12 month period. There may be exceptions to this if the request is linked to a reasonable adjustment or caring responsibilities linked to someone who has a disability.

11. Application Process

To apply to work flexibly you must complete the attached Flexible Working Application Form giving details of the new working pattern that you are requesting to work. This form should be submitted to your line manager and the procedure is set out below:

- Complete and submit the application to your line manager.
- Your line manager will then arrange a meeting with you within 28 working days of receipt of the application. At this meeting you have the right to be accompanied by a trade union representative or a colleague employed by the Trust.
- The purpose of the meeting will be to discuss the application and any possible arrangements that could affect you or your colleagues.
- Your line manager will give details of progress within 7 working days of the meeting taking place. There will be occasions when the delivery of the service will be affected, whereby colleagues will be consulted, without divulging your personal circumstances to enable the request to be supported.
- If the application is refused, your line manager must give the reasons why, in writing. If a flexible working request is turned down, the Redeployment Policy will not apply as the post is still available.
- You have the right to lodge an appeal against your line manager's decision and should write to your line manager's manager within 7 working days of receipt of the notification letter. Your appeal letter should clearly set out the grounds for making the appeal. A date will be set for an appeal meeting within 7 working days of your appeal letter being received by your line manager's manager. The appeal meeting will take place (and a decision communicated to you in writing) within 28 working days of receipt of your appeal letter.
- If at any time you wish to withdraw your application to work flexibly you should confirm this in writing to the appropriate manager.

Where your exact request cannot be accommodated, then alternative arrangements may be suggested by your line manager. It is hoped that you will explore any alternative ideas suggestions with your line manager as they have a duty to maintain service delivery whilst trying to accommodate your personal needs.

There may be occasions when a manager receives more than one application, at around the same time, to work flexibly from different employees. Requests should be considered in the order they are received. If the request is approved then the context for considering subsequent requests will have changed and can be taken into account.

Where more than one application is received at the same time, managers are not required to make judgements about the most deserving case. Each case should be considered on its own merits. However, managers may wish to discuss the situation with the employees concerned to see if there are any factors (e.g. adjustments to the requests) which may affect the ability to accept the requests. If this is not possible then the manager will have to consider whether there is a reasonable basis for distinguishing between the requests or whether all requests should be rejected because of their joint impact or whether the employees would agree to some form of random selection as to which request should be approved. In such instances HR should be contacted for advice.

Where other employees have existing flexible arrangements then the manager may wish to explore whether any of these employees would be willing to change their working pattern in order to help accommodate the new requests.

Further guidance on considering requests is contained in the ACAS Code of Practice and related guidance, at this link <http://www.acas.org.uk/flexibleworking>. In accordance with this guidance, all flexible working requests, including appeals, must be concluded and decided upon within three months from the date the initial application is submitted, unless it is mutually agreed to extend this period.

Acceptance of employees' flexible working application may lead to a permanent change to their contractual terms and conditions unless otherwise agreed by both parties. You, therefore, need to make clear in the documentation whether the agreement is temporary or permanent.

12. Trial periods for flexible working arrangements

If the line manager or the employee is not sure that the proposed flexible working pattern will work in practice, you could consider a trial period.

Trial periods can happen at two stages before a formal agreement is reached:

- If you know that your employee will be applying, then the line manager can agree to a trial period before they submit a formal written flexible working request. If you do this, the formal procedure will still be available to the employee in the future.
- If the employee makes a formal written application, the line manager could agree to an extension of time for you to make a decision and the trial period could take place before the line manager reaches a final decision. In this case the rest of the formal procedure would still be available to the employee.

13. Grounds for refusal of request by Manager

All employees can apply in accordance with the Policy but this does not necessarily mean that the request set out in the application will be granted.

If your line Manager does not agree to your request they will put the reasons for refusal in writing to you. Your line manager could refuse the request for one of the following reasons:

- The burden of additional costs.
- The detrimental effect on the ability to meet service user needs.
- They are unable to re-organise the work amongst existing staff.
- They are unable to recruit additional staff.
- The detrimental impact on the quality of the service.
- The detrimental impact on performance.
- There is not enough work during the period the employee wishes to work.
- Planned organisational changes.

Your line manager must provide a sufficient explanation of why, in their opinion one or more of the above grounds apply, and why that results in a refusal of the request.

- If the application for flexible working is rejected then a further application cannot be considered unless twelve months have elapsed.

14. What next if a Manager refuses a request?

Where flexible working requests cannot be accommodated, the Redeployment Policy does not apply. However where an appeal has been unsuccessful, the line manager will try to establish whether there is another work base which may be suitable for the alternative way of working.

There is one right of appeal against your line Manager's decision by referring this to your line managers' line manager (see flow chart at the front of the policy).

15. Review of new arrangements

It is anticipated that the new arrangement will meet both personal and service needs, however, due to unforeseen circumstances this may not always be the case.

On-going review periods of at least 12 months will be agreed between your line manager and you to ensure that the working pattern is not detrimental to service delivery or the team and other colleagues.

If you or your line manager finds that the new working arrangements are unworkable, then a notice period of 4 weeks may be given on either side. However, if your line manager gives notice he/she will try to seek a base elsewhere which may be able to accommodate the alternative way of working.

16. Dissemination, Storage and Archiving

This policy is available to all staff via the Sheffield Health and Social Care NHS Foundation Trust's intranet and internet pages. A message will also appear in Connect.

Any previous versions of the policy must be deleted and previous versions of this policy have been archived in on the HR database.

17. Training and other resource implications

There are no training or other resource implications associated with this policy.

18. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
	Staff survey results review Changes in legislation	Author of this policy. HR Department. HR Senior Management team.	As and when necessary	HR Department. HR Senior Management team.	Line Managers/ Appraisers. Author of policy. HR Department. HR Senior Management team.	Author of policy. HR Department. HR Senior Management team.

Policy documents should be reviewed every four years or earlier where legislation dictates or practices change.

Policy review date: March 2022.

19. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Review existing policy ensuring that it is legally compliant.	Author of this policy.	By end of November 2017	Updated August 2018 New author updated 2018-2019
Upload revised policy on to intranet and trust website. Remove and archive the old version	Director of Corporate Governance Communications	Within 5 working days of ratification	April 2019
A communication will be issued to all staff via Connect immediately following publication	Communications	Within 5 working days of ratification	As appropriate
Lead role and responsibilities for implementation including any training requirements	HRDPs Education, Training and Development Department		As required.

20. Links to other policies, standards and legislation (associated documents)

- Job Share Scheme Policy
- Career Break Policy
- Retirement Policy
- Parenting Leave Policy
- Rostering Policy
- Equal Opportunities and Dignity at Work Policy
- Additional Annual Leave Scheme

An Agenda for Change Annual Leave calculator can be found on the intranet under “HR” and “Annual Leave Calculator”.

21. Contact details

Job Title	Phone	Email
HR Team	Ext 63301	HumanResources@shsc.local.nhs.uk

22. References

Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 SI 2002/3226
Flexible Working (Procedural Requirements) Regulations 2002 SI 2002/3207
Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 SI 2006/3314
Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009 SI 2009/595
Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2014
Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 SI 2000/1551
Employment Rights Act 1996
Working Time Regulations 1998 SI 1998/1833
Working Time (Amendment) Regulations 2007 SI 2007/2079
National Minimum Wage Act 1998
National Minimum Wage Regulations 1999 (Amendment) Regulations 2008 SI 2008/1894

Health and Safety at Work Act 1974
Management of Health and Safety at Work Regulations 1999 SI 1999/4242
Health and Safety (Display Screen Equipment) Regulations 1992 SI 1992/2792
The Equality Act 2010
ACAS Code of Practice 5: Handling in a reasonable manner requests to work flexibly
ACAS Guide: Right to request flexible working
ACAS Guide: Home-working – guide for employees and employers

Appendix A – Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1	Review/ratification/issue	Oct 2014	Review undertaken to update the policy to in order to comply with new regulatory requirements.
2	Review date extended to November 2017	EDG approved 19-10-17	
	Review on expiry of policy	Feb 2018	Policy generally updated and reference to Voluntary Reduction in Hours Scheme incorporated
	Change of author mid review	June 2018	Delay in progressing policy to next stage.
	Verified by Joint Policy Group and noted at Joint Consultative Forum	December 2017 and June 2018	Staff Side consultation process.
	Policy Governance Group	December 2018	To be reviewed by PGG December 2018
		March 2019	To be reviewed by PGG March 2019 following comments received.
Ratification	March 2019	Ratified by EDG March 2019	

Appendix B – Dissemination Record

Version	Date on website (intranet and internet)	Date of “all SHSC staff” email	Any other promotion/ dissemination (include dates)
1.0	October 2014 and October 2017 following revised review date	N/A	N/A
2.0	April 2019	To be published in Connect April 2019	

Appendix C – Stage One Equality Impact Assessment Form

Equality Impact Assessment Process for Policies Developed Under the Policy on Policies

Stage 1 – Complete draft policy

Stage 2 – Relevance - Is the policy potentially relevant to equality i.e. Will this policy potentially impact on staff, patients or the public? If **NO** – No further action required – please sign and date the following statement. If **YES** – proceed to stage 3.

Sarah Parkin 30 th August 2018

This policy does not impact on staff, patients or the public (insert name and date)

Stage 3 – Policy Screening - Public authorities are legally required to have ‘due regard’ to eliminating discrimination , advancing equal opportunity and fostering good relations , in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance on equality impact assessment for examples and detailed advice. This is available by logging-on to the Intranet first and then following this link https://nww.xct.nhs.uk/widget.php?wdg=wdg_general_info&page=464

	Does any aspect of this policy actually or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
AGE	No	N/A	N/A
DISABILITY	No	N/A	N/A
GENDER REASSIGNMENT	No	N/A	N/A
PREGNANCY AND MATERNITY	No	N/A	N/A
RACE	No	N/A	N/A
RELIGION OR BELIEF	No	N/A	N/A
SEX	No	N/A	N/A
SEXUAL ORIENTATION	No	N/A	N/A

Stage 4 – Policy Revision - Make amendments to the policy or identify any remedial action required (action should be noted in the policy implementation plan section)

Please delete as appropriate: no changes made.

Impact Assessment Completed by (insert name and date)

Sarah Parkin 30 th August 2018

Appendix D - Human Rights Act Assessment Form and Flowchart

You need to be confident that no aspect of this policy breaches a person's Human Rights. You can assume that if a policy is directly based on a law or national policy it will not therefore breach Human Rights.

If the policy or any procedures in the policy, are based on a local decision which impact on individuals, then you will need to make sure their human rights are not breached. To do this, you will need to refer to the more detailed guidance that is available on the SHSC web site

<http://www.justice.gov.uk/downloads/human-rights/act-studyguide.pdf>

(Relevant sections numbers are referenced in grey boxes on diagram) and work through the flow chart on the next page.

1. Is your policy based on and in line with the current law (including case law) or policy?

- Yes. No further action needed.**
- No. Work through the flow diagram over the page and then answer questions 2 and 3 below.**

2. On completion of flow diagram – is further action needed?

- No. No further action needed.**
- Yes. Go to question 3**

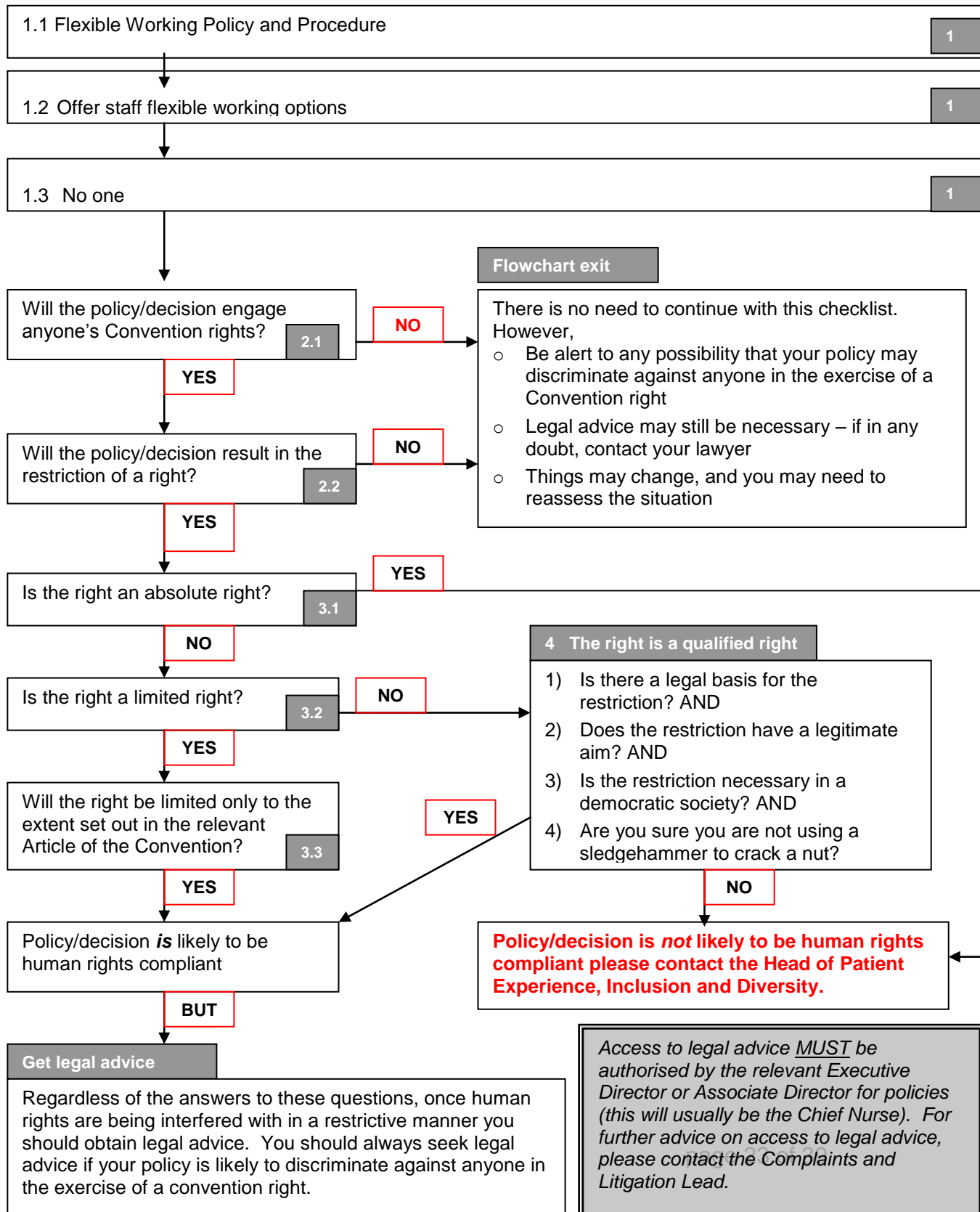
3. Complete the table below to provide details of the actions required

Action required	By what date	Responsible Person

Human Rights Assessment Flow Chart

Complete text answers in boxes 1.1 – 1.3 and highlight your path through the flowchart by filling the YES/NO boxes red (do this by clicking on the YES/NO text boxes and then from the Format menu on the toolbar, choose 'Format Text Box' and choose red from the Fill colour option).

Once the flowchart is completed, return to the previous page to complete the Human Rights Act Assessment Form.



Appendix E – Development, Consultation and Verification

Draft of version 2	Consultation meeting with JPG	20 th December 2017
Review date extended	Approved by EDG	19 th October 2017
Revised draft	JPG first review	December 2017
	Return to JPG re amendments	20 th March 2018
	Change of author mid review	June 2018
	Verified by JPG Noted at JCF	December 2017 and June 2018 November 2018
	Policy Governance Group	December 2018 March 2019
	Ratification by EDG	March 2019

Appendix F – Policies Checklist

1. Cover sheet

All policies must have a cover sheet which includes:

- The Trust name and logo X
- The title of the policy (in large font size as detailed in the template) X
- Executive or Associate Director lead for the policy X
- The policy author and lead X
- The implementation lead (to receive feedback on the implementation) X
- Date of initial draft policy X
- Date of consultation X
- Date of verification X
- Date of ratification X
- Date of issue X
- Ratifying body X
- Date for review X
- Target audience X
- Document type X
- Document status X
- Keywords X
- Policy version and advice on availability and storage X

2. Contents page X

3. Flowchart X

4. Introduction X

5. Scope X

6. Definitions X

7. Purpose X

8. Duties X

9. Process X

10. Dissemination, storage and archiving (control) X

11. Training and other resource implications X

12. Audit, monitoring and review X

This section should describe how the implementation and impact of the policy will be monitored and audited and when it will be reviewed. It should include timescales and frequency of audits. It must include the monitoring template as shown in the policy template (example below).

X

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group / committee for action plan monitoring and implementation
A) Describe which aspect this is monitoring?	e.g. Review, audit	e.g. Education & Training Steering Group	e.g. Annual	e.g. Quality Assurance Committee	e.g. Education & Training Steering Group	e.g. Quality Assurance Committee

X

13. Implementation plan

14. Links to other policies (associated documents)

15. Contact details

16. References

17. Version control and amendment log (Appendix A)

18. Dissemination Record (Appendix B)

19. Equality Impact Assessment Form (Appendix C)

20. Human Rights Act Assessment Checklist (Appendix D)

21. Policy development and consultation process (Appendix E)

22. Policy Checklist (Appendix F)

X

X

X

X

X

X

X

X

X

FLEXIBLE WORKING APPLICATION FORM

Note to the applicant

Once you have read the policy you need to use this form to apply to change your working pattern. Following completion of the form, you should hand/send it to your line manager. Your line manager will then have 28 working days after your application is received to discuss this request with you.

Where the request relates to a disability (re: Equality Act 2010) or caring for a dependant, please provide details in the space below.

Note to the line manager

This is a formal request by an employee to apply for flexible working. Upon receipt of this request you have 28 working days to arrange a meeting to discuss the request.

Personal Details

Name:

Position:

Base:

Manager:

Contact Details

Work Telephone number

Work Email address

Working Pattern

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

Describe the working pattern you would like to work in the future and why this arrangement is requested (days/hours/ times worked). You may continue on a separate sheet if necessary.

I would like the new working pattern to commence from the following

Date:

Impact of the new working pattern

I think the effect on the Trust and my team can be dealt with as follows

Cost

What will be the additional cost involved for the Trust in potentially agreeing the requested arrangements? E.g. the cost of any back-fill / recruitment.

Organisational Needs

What effect will the new proposed working pattern have on the ability of the Trust / team to meet organisational needs including service user's needs?

Additional Staffing

Will it be necessary to obtain additional staffing and how feasible will this be e.g. where back-fill is required, how specialist is the role in question?

Quality of Service

What impact will the proposed working arrangements have on the quality of the service which the Trust / team provides?

Individual Performance

What impact will the proposed working arrangements have on your ability to perform your duties?

Timing

Are the proposed arrangements compatible, in terms of timing, with workload?
E.g. demand at particular times of the day or week.

Organisational Change

Are the proposed arrangements consistent with planned organisational change?

Home-working

If your request relates to Home-working please set out how the following matters will be addressed:

Health and Safety

What health and safety issues need to be taken into consideration and how will these be resolved?

Health and Wellbeing

Home-working does not suit all roles or all people so how will you help ensure that your health and wellbeing will not suffer from working at home?

Organisation Needs / Individual Performance

If the request relates to caring for a child or adult, how will these responsibilities impact on your ability to work from home and how will any issues be resolved?

What impact will home-working have on your ability to deal with the need for any urgent requests for assistance (to you or from you), including any need to potentially return to your base, possibly at very short notice?

What assurances can be provided that your responsibilities and workload can be adequately met if you were working from home? E.g. specified projects with pre-determined deadlines / full reports on progress at subsequent 1-2-1s.

How will it be ensured that the necessary communication and supervision occurs?

Signed

Date

Please provide your line manager with a copy of this form.

**Managers confirmation of receipt
(to be completed and returned to the employee)**

Dear

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

I shall be arranging a meeting to discuss your application within 28 working days.

In the meantime, you might wish to consider whether you want to be accompanied at this meeting.

Manager's Signature:

Date:

Flexible Working Arrangements Acceptance Form

Appendix H

Note to the Line Manager

This form should be used when you are able to accommodate the employee's request to flexible working, or have agreed alternative arrangements, which are suitable to the employee and yourself.

Dear

Following receipt of your application and our meeting on the date below:

I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application.

I am unable to accommodate your original 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 arrangements will begin from the following date:

and will be subject to review on

I confirm that the new working pattern is a

Temporary change

Permanent change

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

**Manager's
Signature:**

**Manager's
Name:**

Date:

**PLEASE RETURN A COPY OF THIS FORM TO THE EMPLOYEE,
RETAIN A COPY FOR YOUR RECORDS AND ON THE EMPLOYEES
PERSONAL FILE.**

Flexible Working Application Rejection Form

Note to the Line Manager

Having given full consideration to the application for Flexible Working this form may be used where the request cannot be accommodated. You must state the service ground(s) as to why you are unable to agree to the new working pattern and the reasons why the ground(s) applies in the circumstances. The list of the permissible business grounds under which a request might be refused is detailed in Flexible Working Policy.

Dear

Following receipt of your application and our meeting on the date below:

I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request on the following service ground(s). These must relate to at least one of the grounds set out in Appendix B 'impact of the new working pattern'.

The grounds apply in the circumstances because:

Managers
Signature

Managers
Name: Date:

**PLEASE RETURN A COPY OF THIS FORM TO THE EMPLOYEE,
RETAIN A COPY FOR YOUR RECORDS AND ON THE EMPLOYEES
PERSONAL FILE.**

EXAMPLE OF WORKING ANNUALISED HOURS

Working an average of 7 ½ hours per week

**7.5 x 52.143 (number of weeks in a year) = 390 hours to be worked
during a 12 month period**

Annual Leave entitlement based on Agenda for Change

Leave entitlement: -

Less than 5 years Service

27 divided by 5 (days in a week) = 5.4 x 7.5 (hours worked) = 40.5 hours

More than 5 years Service

29 divided by 5 (days in a week) = 5.8 x 7.5 (hours worked) = 43.5 hours

More than 10 years Service

33 divided by 5 (days in a week) = 6.6 x 7.5 (hours worked) = 49.5 hours

Bank Holiday entitlement

Working an average of 7 ½ hours per week

**60 hours (8 bank holidays converted into hours) 7½ (1 day average per
week) = 1/5 of 60 hours = 12**

Name:

Week Commencing

	From	To	Hours	From	To	Hours	Total
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							

Weekly Total Hours

Week Commencing

	From	To	Hours	From	To	Hours	Total
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							

Weekly Total Hours

Week Commencing

	From	To	Hours	From	To	Hours	Total
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							

Weekly Total Hours

Week Commencing

	From	To	Hours	From	To	Hours	Total
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							

Weekly Total Hours