



Policy:

HR 021 Flexible Working

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Policy Owner	HR Business Partner
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Summary of policy

Provide a summary description of the policy

Target audience	SHSC staff who wish to work flexibly
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Keywords	Flexible working, work life balance, reasonable adjustments, Carers, and Disability
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Storage & Version Control

Version 4 of this policy is stored and available through the SHSC intranet/internet. This version of the policy supersedes the previous version Any copies of the previous policy held separately should be destroyed and replaced with this version.

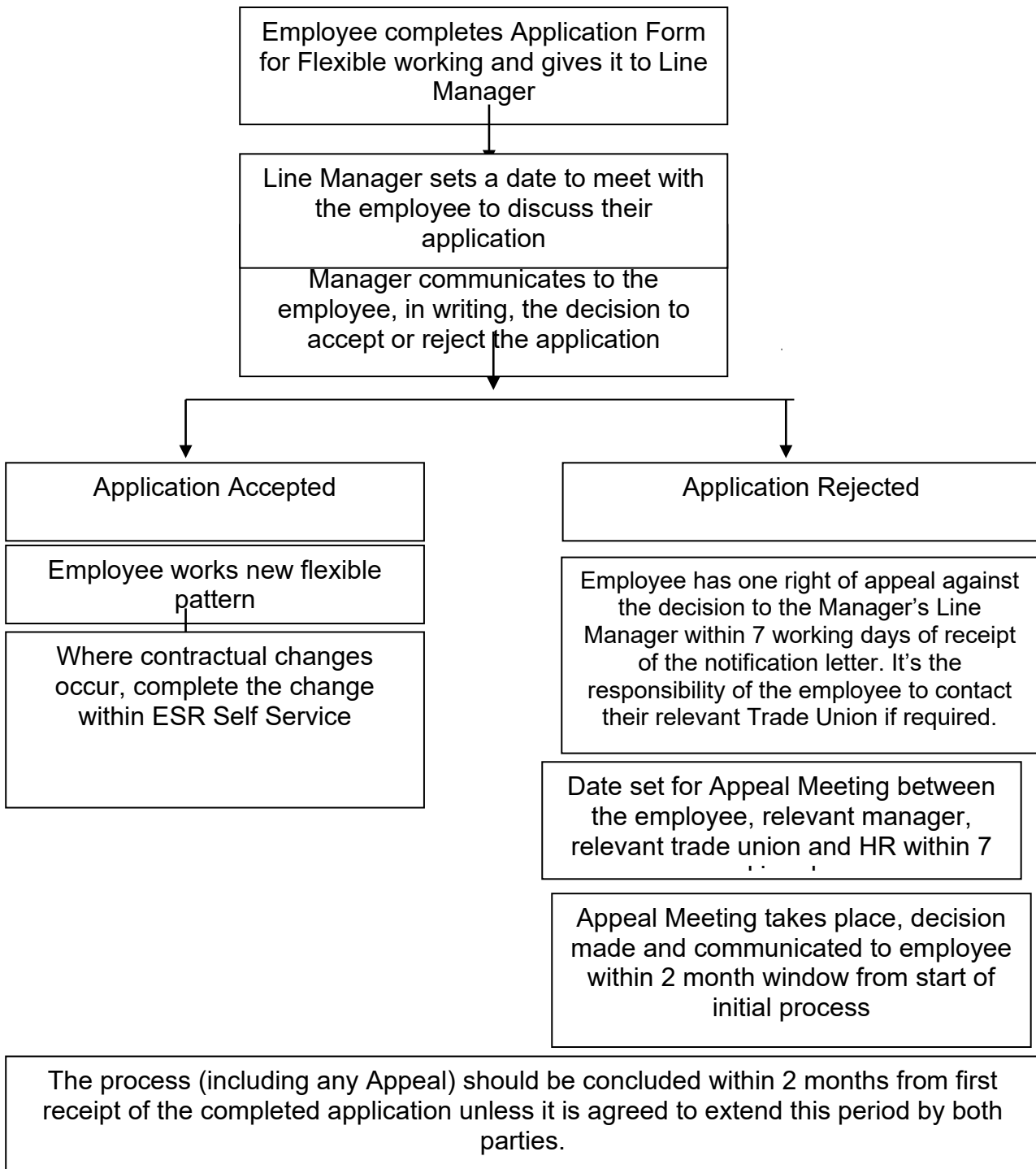
Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
0.1	New draft policy created	03/2019	New policy commissioned by EDG on approval of a Case for Need.
1.0	Approval and issue	06/2018	Amendments made during consultation, prior to ratification.
2.1	Review / approve / issue	10/2014	Early review undertaken to update the policy to in order to comply with new regulatory requirements.
3	Review	10/2022	Full review adding the People Promise and encouraging informal discussions linking with health and wellbeing
4	Review due to new legislation 6 th April 2024	03/2024	<ul style="list-style-type: none"> • Time scale from receiving an application to appeal decision is reduced by 3 months to 2 months, unless mutually agreed to extend. • Employees will be entitled to two requests within a 12 month period. • Employees will no longer have to explain what effect their requested change may have on the employer and how any such effect might be dealt with • Employers will not be able to refuse a request unless the employee has been consulted • Deleted statutory request, as this is a 'day-1-People Promise' request • Removed 28 days to respond to an appeal, due to change two month window, from initial application to appeal decision • Removed two week break in service for Retire & Return to 24 hours. • Additional information added regarding Retire & Return e.g. statutory redundancy • Removed Additional Annual Leave & process. Added request via flexible working policy

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Flow Chart of Application Process



1 Introduction

This policy states what arrangements could be put in place for Flexible Working for all employees. Our Organisation (NHS) aims to support all requests for flexible working from Day 1, as part of the People Promise, wherever these can be reasonably accommodated.

The principles look to guide the ethos and values that should make flexible working become 'simply how we work' in the NHS. The NHS principles form a foundation for flexible working, and organisations are encouraged to innovate and test out approaches to support the embedding of flexible working. However, this policy does not provide an automatic right for employees to work flexibly but will ensure that reasonable consideration is given to any request with consultation with the employee.

2 Scope

This is a Trust-wide Policy and relates to all Sheffield Health & Social Care NHS Foundation Trust (SHSC) employees. SHSC is committed to developing positive flexible working arrangements which allow people to balance work responsibilities with other aspects of their lives.

Not only does flexible working open up opportunities for parents and people with caring responsibilities but it may be relevant to many people in the workforce at various stages of their working life. 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.

3 Purpose

SHSC believes that the people who work in our organisation are its most valuable asset, and we aim to value our workforce supporting everyone to work to their full potential and maintain personal wellbeing. In turn we recognise that this will support our organisation to attract and retaining people, and value and benefit from the talent and experience of people in our organisation and local communities.

The NHS workforce is becoming increasingly diverse and includes a people who have a range of caring and personal responsibilities, may have or develop a health condition or disability or have interests and aspirations that may impact on their working time.

Our Organisation recognises the importance of helping and supporting employees balance their work and home life by considering flexible working arrangements that enable them to balance their working life and other priorities. We aim to support all request positively and objectively taking account of all relevant factors but with the aim of always supporting requests where this is practically possible and will not have a significant impact on other people working in our organisation.

This policy aim is to recognise the ways in which flexible working can increase staff motivation, build better relationships in-Our Organisation increase retention, reduce absence due to ill health or stress attract new people and support development of talent as well as promoting principles of work-life balance and improvement of the physical and mental wellbeing of people who work in our organisation. There are a number of types of flexible working this policy provides information about, both informal and formal.

It is recognised that not all of the flexible working options in this policy will be suitable for all working areas of the business, however all applications informal or formal will be considered objectively taking account of the needs of the individual and the service. Reasons for agreeing or rejecting a request will not be subjective but based on clear and justifiable reasons.

We aim to promote and support Line Managers to have regular conversations with direct reports, including in one-to-one conversations, health and wellbeing conversations about working flexibly without waiting for people to make a formal request.

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.

Formal Request for Flexible Working

Our Organisation 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.

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Only two request are allowed in any 12 month period. However, whether under this policy or the statutory procedure, Our Organisation 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 as the employee failed to engage in any consultation, and the employee will be notified accordingly.

4 Definitions

Options for flexible working hours

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.
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/Agile working	Working from home/remote 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 Detail of the policy

This policy meets statutory legislation and is embedding the NHS People Promise.

6 Duties

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

Executive Directors

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

Employees

It is important to be clear about changes that may improve your work life balance and what you want to achieve from a flexible working arrangement. This would be a starting point for finding a way of realistic and practical working that will suit both you and the organisation.

You should engage your line manager informally and discuss this first before making a formal request. This would create a clear groundwork for your request.

To apply to work flexibly you will need to complete the Flexible Working Application Form online in Jarvis. 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 any 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 agile working/remote 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 in an agreed Risk Assessment

Line Manager

Line managers should have regular conversations with direct reports – including in one-to-one conversations – about working flexibly without waiting for employees to make a formal request. Line managers should discuss flexible working during regular wellbeing conversations, appraisals, and one on one discussions. Discussing flexible working in an informal setting often enables solutions to be agreed on, more easily. This may make the formal request groundwork to have been laid in advance. This will require you to have a conversation to discover what's important to the employee and what options might work based on their suggestions or any alternatives you recognised together.

Your line manager will consider whether the current pattern of working is practical 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 reasonable date to meet with you of receipt of your application to discuss your request for flexible working. Taking into consideration the two month window, allowing for any appeal.

Once a request for flexible working is received, your line manager will consider and consult 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 Procedure

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. Our Organisation 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 Our Organisation's duty to make reasonable adjustments for employees with a disability, job applicants with a disability and employees returning from maternity leave.

Our Organisation 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 principle rule is that Flexible Working must not impact negatively on the quality of services provided by Our Organisation.

Our Organisation recognises that personal circumstances change throughout an employee's working life, which may lead to a review of any 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.

7.1 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.

7.2 Employees with any Disabilities

Where employees have difficulty expressing themselves because of language or other difficulties, they should contact HR and/or seek help from their union representative or colleagues. Under no circumstances should an employee with a protected characteristic be

disadvantaged and any requested reasonable adjustments should be considered and put in place.

7.3 Types of Flexible Working Options

Our Organisation 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 Our Organisation.

7.4 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.

7.5 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.

7.6 Flexi-time

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

However, some areas will have 'core business' attendance periods when you are expected to be at work. 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 can be located on Jarvis under this policy).

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 for some service needs.

7.7 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 on Jarvis for further details.

7.8 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.

7.9 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 can be found on Jarvis under this policy.

7.10 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.

7.11 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.

7.12 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 Our Organisation 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 Our Organisation.

Please refer to Career Break Policy on Jarvis.

7.13 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 Our Organisation 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. Our Organisation also has an Agile Working Policy on Jarvis.

7.14 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).

7.15 Flexible Retirement

Flexible retirement schemes are designed to enable staff and Our Organisation 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.

Our Organisation 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.

For an overview of the NHS Pension Schemes please refer to: <https://www.nhsbsa.nhs.uk/nhs-pensions>

The employee should be aware that under the NHS pension scheme there is a requirement for a 24 hour break in service prior to any approved return to work. This break in service will have an impact on any potential future payment under the MARS Scheme or under redundancy provisions, as the basis of the calculation for such a payment will be the start date of the return and will not include any service prior to the initial retirement date. Redundancy payments would include service prior to retirement on a statutory basis and from the return date for any occupational redundancy. This is because there has not been a statutory break period.

Live policy processes will also remain in place and be managed according to the policy prior and post any retire and return due to no statutory break in service.

From a statutory perspective, continuity of employment is broken if there is no contract of employment in place for a complete week ending on a Saturday.

More detailed information is provided in the Retirement Policy.

7.16 Additional Annual Leave Scheme

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 Our Organisation.

All applications for additional annual leave, must be submitted under the flexible working policy and a completed 'Additional Annual Leave application form will need submitting. Details of the process and form can be found on Jarvis.

7.17 Special/parental leave

This enables you to take extra time off for family, personal or domestic needs and includes compassionate and carer leave, adoption and foster leave, and paternity leave.

Both the legislation and Our Organisation 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 Our Organisation has the right to refuse a request based on the grounds set out in the following section. Our Organisation's responsibility is to consider the request, carefully looking at the benefits of the requested changes in working conditions for the employee and Our Organisation's services and weighing these against any adverse impact on services as a result of implementing the changes.

Although the statutory right no longer specifically applies to those with caring responsibilities, Our Organisation 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 twice 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.

7.18. Application Process

To apply to work flexibly you must complete the 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 a reasonable timescale 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 Our Organisation.
- 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 2 months of the initial flexible working application. It is the member of staff's responsibility to inform the appropriate Staff Side, if required, to support and represent them under the appeal process.
- 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.

7.19. 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.

7.20. 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.

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7.21. 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. Or the employee could submit a second flexible working request, within and not outside the 12 months.

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).

7.22. 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.

8. 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 Jarvis.

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

9 Development, Consultation and Approval

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
Version 3	Ratified by PGG	31 st October 2022
Version 4	Ratified by PGG	29 th April 2024

10 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 2028.

11 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.	Director of Corporate Governance	Within 5 working days of	April 2019

Remove and archive the old version	Communications	ratification	
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	HRBPs Education, Training and Development Department		April 2024.

11 Dissemination, Storage and Archiving (Control)

It makes it plain that any previous versions must be deleted and describes the archiving and storage arrangements for the current and previous versions of the policy.

It says who is responsible for archiving and version control, and what they should do.

Version	Date added to intranet	Date added to internet	Date of inclusion in Connect	Any other dissemination promotion/ (include dates)
1.0	October 2014	October 2017 following revised review date		
2.0	April 2019	April 2019	To be published in Connect April 2019	
3.	TBC	TBC		
4.0	April 2024	April 2024	May 2024	

12 Training and Other Resource Implications

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

13 Links to Other Policies, Standards (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”.

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

14 Contact Details

Title	Name	Phone	Email
HR Team	Maria Jessop	Ext 63301	maria.jessop@shsc.nhs.uk

Appendix A

Equality Impact Assessment Process and Record for Written Policies

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public? This should be considered as part of the Case of Need for new policies.

NO – No further action is required – please sign and date the following statement.
I confirm that this policy does not impact on staff, patients or the public.

I confirm that this policy does not impact on staff, patients or the public.

Name/Date: Maria Jessop 23/04/2024

YES, Go to Stage 2

Stage 2 Policy Screening and Drafting Policy - 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 and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy 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	NA	NA
Disability	NO	NA	NA
Gender Reassignment	NO	NA	NA
Pregnancy and Maternity	NO	NA	NA

Race	NO	NA	NA
Religion or Belief	NA	NA	NA
Sex	NO	NA	NA
Sexual Orientation	NO	NA	NA
Marriage or Civil Partnership	NO		

Please delete as appropriate: - Policy Amended / Action Identified (see Implementation Plan) / no changes made.

Impact Assessment Completed by:
Name /Date: Maria Jessop 23rd April 2024

Appendix B

Review/New Policy Checklist

This checklist to be used as part of the development or review of a policy and presented to the Policy Governance Group (PGG) with the revised policy.

		Tick to confirm
Engagement		
1.	Is the Executive Lead sighted on the development/review of the policy?	X
2.	Is the local Policy Champion member sighted on the development/review of the policy?	X
Development and Consultation		
3.	If the policy is a new policy, has the development of the policy been approved through the Case for Need approval process?	X
4.	Is there evidence of consultation with all relevant services, partners and other relevant bodies?	X
5.	Has the policy been discussed and agreed by the local governance groups?	X
6.	Have any relevant recommendations from Internal Audit or other relevant bodies been taken into account in preparing the policy?	X
Template Compliance		
7.	Has the version control/storage section been updated?	X
8.	Is the policy title clear and unambiguous?	X
9.	Is the policy in Arial font 12?	X
10.	Have page numbers been inserted?	
11.	Has the policy been quality checked for spelling errors, links, accuracy?	
Policy Content		
12.	Is the purpose of the policy clear?	X
13.	Does the policy comply with requirements of the CQC or other relevant bodies? (where appropriate)	X
14.	Does the policy reflect changes as a result of lessons identified from incidents, complaints, near misses, etc.?	X
15.	Where appropriate, does the policy contain a list of definitions of terms used?	X
16.	Does the policy include any references to other associated policies and key documents?	X
17.	Has the EIA Form been completed (Appendix 1)?	X
Dissemination, Implementation, Review and Audit Compliance		
18.	Does the dissemination plan identify how the policy will be implemented?	X
19.	Does the dissemination plan include the necessary training/support to ensure compliance?	X
20.	Is there a plan to i. review ii. audit compliance with the document?	X
21.	Is the review date identified, and is it appropriate and justifiable?	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.

Where the request relates to a disability 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.

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:

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.
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 B

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 the policy

The grounds apply in the circumstances because:

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).

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.**