



**Joint Policy for Cumbria Partnership Foundation Trust & North Cumbria
University Hospital NHS Trust**

Policy Title: Flexible Working

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Data Protection Legislation

The Trust(s) are committed fully to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The GDPR and DPA legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held.

The GDPR and DPA legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The DPA sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed.

Policy On A Page

SUMMARY & AIM

This policy sets out the Trusts' commitment to supporting employees to maintain work/life balance work through flexible working.

It explains the process for requesting flexible working and provides practical guidance to aid managers' decision-making when considering flexible working requests.

KEY REQUIREMENTS

1. Any employee may make a request for flexible working.
2. To make a request an employee must submit a fully completed application form to their line manager.
3. An employee may make one request per 12 month period.
4. Managers must seriously consider all requests received and make a decision within 3 months (including any appeal).
5. Employees may be accompanied by a trade union representative, or work colleague, at any meeting(s) to discuss a flexible working request, or at an appeal hearing.
6. If a request is refused, the employee can appeal.
7. All flexible working arrangements will be reviewed annually to ensure they continue to meet both the needs of the employee and the service.

TARGET AUDIENCE:

- All individuals employed directly by the Trusts
- All Managers
- Human Resources Department

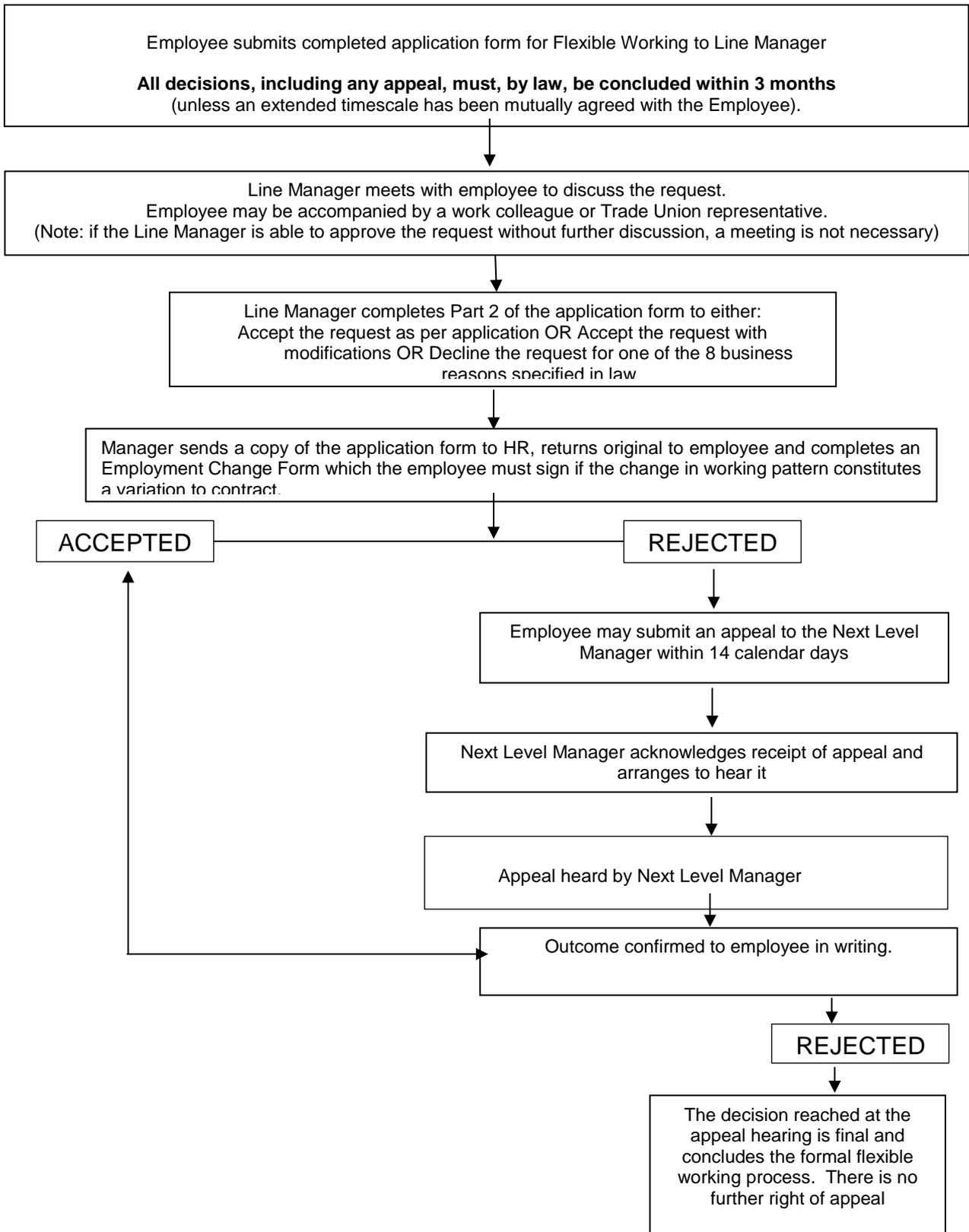
TRAINING:

Where required, training on the application of the policy will be provided for managers.

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SUMMARY FLOWCHART:



1. INTRODUCTION

North Cumbria University Hospitals NHS Trust and Cumbria Partnership NHS Foundation Trust (the Trusts) are committed to the principles of flexible working in the firm belief that it benefits both patients and employees through:

- improving our ability to recruit - widening the talent pool
- retaining valued employees
- supporting employee health, wellbeing and work/life balance
- improving employee engagement and productivity, leading to improved patient experience and better health outcomes.

2. PURPOSE

This policy:

- confirms the Trusts' commitment to supporting flexible working wherever possible;
- describes the process for employees to follow when making a flexible working request;
- describes the process for managers to follow when considering a flexible working request;
- provides examples of common flexible working arrangements and how they might be used.

3. FLEXIBLE WORKING POLICY AND PROCEDURE

3.1 General Principles

Under this policy, anyone directly employed by the Trusts has the right to request flexible working arrangement; have their request considered seriously and responded to within the timescale prescribed by law.

An employee may make one flexible working request per 12 month period. (An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).

- Employees wishing to request flexible working must fully complete Part 1 of the application form at Appendix 1.
- Before applying for a change of working pattern, employees are advised to consider any effect it might have on their pay, pension or other terms and conditions.
- An employee may wish to have an informal discussion with their line manager before making a formal application.
- Managers must deal promptly with flexible working requests. The law requires that the process be completed within three months of receiving the request, including any appeal (this timescale may be extended by mutual agreement).

- A trial period may be agreed to test out a proposed change to working pattern before it is formally agreed.
- Where an existing flexible working arrangement is affecting service provision, consideration may be given to amending the arrangement following full discussion with the employee/s concerned.
- Changes to working patterns must comply with the European Working Time Directive, the Working Time Regulations 1998, as well as any local agreements on working time, hours, rest breaks and the working week.
- All flexible working arrangements will be reviewed annually to ensure they continue to meet both the needs of the employee and the service.

3.2 Submitting a Flexible Working Request

All requests for flexible working must be made using the application form at Appendix 1. The request must be submitted in good time for any proposed start date, bearing in mind the approval process may take up to three months.

The application form must be completed in full, including:

- a) Current working pattern
- b) Proposed working pattern
- c) Is it a permanent change or a temporary change?
- d) The proposed start date (and end date for a temporary change)
- e) How the employee thinks the change might affect the business
- f) How in their view any effect(s) might be dealt with
- g) The reason for requesting the change (this is optional but if the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application)
- h) The date(s) of any previous application(s)

If an application does not contain all of the required information, the line manager will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

3.3 Meeting to Discuss a Flexible Working Request

Upon receiving a written request for flexible working the line manager will usually seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements, and
- how it could be of benefit to both the employee and the service/team

Where an application can be approved as requested without further discussion, a meeting may not be necessary. In which case, the manager will agree the request by completing Part 2 of the application form, send a copy to Human Resources and return the original to the employee, along with an Employment Change Form if the change constitutes a variation to contract.

If a meeting is necessary it will be held as soon as is reasonably practicable but no later than 28 days of the manager receiving the request. This time limit may be extended by mutual agreement with the employee. Any agreement to extend the timescale will be confirmed by the manager in writing to the employee.

At the meeting the employee may, if they wish, be accompanied by a work colleague or a trade union representative.

The manager will advise the employee in writing, at least 7 days in advance, of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed.

If a face to face meeting is difficult to arrange then, if agreed by the employee, the meeting may be held via telephone.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, the manager will advise the employee in writing that their request is deemed to have been withdrawn.

3.4 Considering a Flexible Working Request

The line manager will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to the employee and service/team and taking into account:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether the employee is making the request in relation to the Equality Act
- health and safety issues and Working Time Regulations

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The request may be granted in full, in part, or refused. The manager may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

A request will only be refused for one or more of the following reasons:

- the burden of additional costs
- inability to reallocate work amongst existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- detrimental effect on ability to meet service demands
- insufficient work during the period the employee proposes to work
- planned structural change where it is considered the flexible working changes may not fit with these plans

It may be appropriate to talk to other members of the team regarding the proposed changes and ways that the work can be covered.

If a line manager is unable to approve a request in a department where a number of employees are already working flexibly because any further flexible working arrangements will impact adversely for reasons described above, the manager could ask for volunteers from existing flexible working employees to consider changing their contract thereby creating capacity for granting new requests to work flexibly.

3.5 Notifying the Outcome of a Flexible Working Request

The line manager must notify the employee of the outcome by completing in full Part 2 of the application form and returning it to the employee no later than 14 days after meeting with them to discuss the request. This time limit may be extended by mutual agreement with the employee. Any agreement to extend the timescale will be confirmed by the manager in writing to the employee.

If the flexible working pattern has been agreed, or agreed in part or with modification(s) the line manager must:

- confirm the details of the new arrangement and the start date
- complete an Employment Change Form for any change(s) to contract or salary
- where the change is temporary, or a trial period has been agreed, confirm the end date and/or when the arrangement will be reviewed

If the requested change cannot be accommodated and no alternative solution can be found, then the line manager must advise the employee of:

- the business reasons for which the request has been declined
- why those reasons apply
- their right to appeal against the decision

3.6 Appeal Process

If a flexible working request is not approved, the employee may appeal. This will allow them to discuss a refusal to grant their request if there is new information that was not available at the time of the original decision, or if the employee thinks the application was not handled reasonably in line with the Policy.

The employee may submit an appeal in writing to the next level manager within 14 days of receiving the outcome. The letter must clearly state the grounds on which the appeal is being made.

The appeal will be heard as soon as is reasonably practicable but no later than 28 days from the date on which it is received. This time limit may be extended by mutual agreement with the employee. Any agreement to extend the timescale will be confirmed by the manager in writing to the employee.

The next level manager will advise the employee in writing, at least 7 days in advance, of the time, date and place of the appeal hearing.

The employee may, if they wish, be accompanied by a work colleague or a trade union representative.

The manager hearing the appeal will notify the employee of the outcome in writing no later than 7 days following the hearing.

The written outcome of the appeal constitutes the Trust's final decision and effectively ends the formal flexible working process.

3.7 Dealing with Multiple Flexible Working Requests

There may be occasions when a line manager receives flexible working requests from different employees in close succession. Where this happens it may be possible to grant all of the requests received. However, before coming to a decision, the manager will need to look closely at the impact this would have on the service.

Requests should be considered in the order they are received. Having considered and approved the first request the employer should remember that the business context has now changed and can be taken into account when considering the second request against the business reasons set out in section 3.4 of this policy.

Where a manager receives more than one request, they are not required to make value judgements about the most deserving request. Each request should be considered on its merits looking at the business case and the possible impact of refusing a request. In these circumstances managers may wish to seek advice from their Human Resources Advisor.

3.8 Review of Flexible Working Arrangements

All flexible working arrangements will be reviewed annually to ensure they continue to meet both the needs of the employee and the service. This discussion will take place as part of the process of management supervision and be documented in supervision notes.

4. TRAINING AND SUPPORT

Training on application of this policy is included in a rolling People Management Programme for line managers of both Trusts. Advice and support is also available from Human Resources.

5. PROCESS FOR MONITORING COMPLIANCE

The process for monitoring compliance with the effectiveness of this policy is as follows:

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
Decisions are fair and equitable in meeting the needs of employees and the business	Review number of appeals raised by employees; analyse and identify any required system improvements and feed into policy review	Human Resources Business Partner/Human Resources Advisor	Joint Human Resources Team Meeting with exceptions report to Directorate Senior Management Team	Annually

Wherever the above monitoring has identified deficiencies, the following must be in place:

- An action plan
- Progress of action plan monitored by the Workforce and OD Group meeting minutes
- Risks will be considered for inclusion in the appropriate risk registers

6. REFERENCES:

Employment Act 1996
 Work and Families Act (2006)
 Flexible Working Regulations 2014
 The right to request flexible working: an ACAS guide
 Part-Time Workers (Prevention of Less Favourable Treatment Regulations 2000)
 Fixed-Term Employees (Prevention of Less Favourable Treatment Regulations 2000)
 European Working Time Directive
 Working Time Regulations 1998
 Equality Act 2010
 Agenda for Change Terms and Conditions of Service
 Medical & Dental Terms and Conditions of Service

7. ASSOCIATED DOCUMENTATION:

Annual Leave Policy
 Special Leave Policy
 Flexible Retirement Policy
 Equality and Diversity Policies for the respective Trusts

8. DUTIES (ROLES & RESPONSIBILITIES):

8.1 Chief Executive / Trust Board Responsibilities:

The Chief Executive and Trust Board jointly have overall responsibility for the strategic and operational management of the Trust, including ensuring that Trust policies comply with all legal, statutory and good practice requirements.

8.2 Executive Director Responsibilities: Executive Director of People and Digital

The Director of People and Digital is the designated Executive Director for this policy. They are involved in the development and sign off of policies, to ensure that Trust

policies meet statutory legislation and guidance where appropriate. They will ensure the policies are kept up to date by the relevant author and approved at the appropriate committee.

8.3 Managers Responsibilities:

Line managers are responsible for:

- ensuring employees are aware of the policy and the options available
- reviewing how a flexible working request may be accommodated whilst maintaining the staffing levels and skill mix needed to ensure quality services to patients and service users
- adhering to the process and timescales in the policy when deciding the outcome of flexible working requests
- agreeing any changes to the timescales with the employee
- considering other options where service requirements mean a request cannot be met
- ensuring that if an application is declined there are specific service-related grounds as set out in the policy and explaining the reasons in writing (see Section 3.1) and Appendix 1
- reviewing flexible working agreements as required in line with the particular arrangements made with an employee.

8.4 Staff Responsibilities:

Employees must be aware of the principles set out in the policy and when making their request they must:

- complete the flexible working request form in line within the timescales set out
- carefully consider how their role will work on a flexible arrangement and the effect their preferred working pattern will have on:
 - patients and other service users
 - the Trust/Division/Department/Ward
 - the team in which they work
 - individual employees in their team
- be prepared to discuss their desired working pattern with other members of their team

- consider alternative arrangements where a particular working pattern cannot be provided because of service needs

8.5 Joint Partnership Forum:

The Chair of the Joint Partnership Forum will ensure the policy approval is documented in the final section of the Checklist for Policy Changes. The group will approve the final draft of the policy.

9. DEFINITIONS OF FLEXIBLE WORKING

TERM USED	DEFINITION
Flexible working	<p>Any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.</p> <p>The following are common examples of flexible arrangements that employees may request but there may be alternatives or a combination of options which are suitable to both the business and the employee. Not all flexible working options will be appropriate for all roles.</p>
Annualised hours (Appendix 6)	<p>Aims to achieve a more even match between supply and demand for employees by distributing hours to coincide with levels of need.</p> <p>This type of working is particularly suitable in situations where there are peaks and troughs (such as seasonal pressures, regular work cycles). It is also suitable for individuals whose workload is particularly heavy at certain times of the year and lighter at others.</p>
Compressed hours (Appendix 8)	<p>Employees work more hours per day in order to condense working hours into fewer days/shifts per week or fortnight e.g. working 1 full-time week's hours over 4 days, or a 9 day fortnight.</p>
Flexi-time (Appendix 4)	<p>Flexi-time working usually covers a department or work group to allow employees some flexibility around a set core time of hours in the day; it gives employees some discretion, within agreed parameters, over start and finish times and lunch periods.</p> <p>It can therefore allow employees the opportunity to meet personal commitments, for example caring for children or relatives, without affecting their work.</p> <p>Flexi time arrangements must:</p> <ul style="list-style-type: none"> • provide appropriate cover during the times that the service requires • fulfil the requirements of the Working Time Regulations. <p>The framework shown has been agreed and is used within a number of areas in the Trusts. Where it is felt that owing to</p>

TERM USED	DEFINITION
	service need, specific details need to be amended, advice must be taken from Human Resources and it must be agreed by the senior manager responsible for that service.
Home working (Appendix 9)	In some posts and circumstances it may be appropriate for an employee to work from home either occasionally or on a more regular basis (e.g. one or two days per week).
Job Share (Appendix 3)	Two individuals share a post and are jointly responsible for meeting the requirements and responsibilities of the post in return for a proportion of the salary, holidays and other benefits.
Reduction in hours/change to a working pattern (Appendix 2)	Working less than full time hours with reduction in pay, holidays and benefits accordingly.
Term time working (Appendix 7)	The employee works during the school term times only. Pay is proportioned equally throughout the year based on the number of days worked. This pattern of work can be useful where activity dips during holiday periods or other cover is available.

APPENDIX 1 – FLEXIBLE WORKING REQUEST FORM

PART 1 – To be completed by Employee

Please complete the form in full to help your Manager to consider your request. If information is missing, your manager will ask you for clarification and this may delay consideration of your request.

NAME:				
SITE:		DEPARTMENT:		
POST:		GRADE:		
Type of flexible working requested	Reduction in hours <input type="checkbox"/>	Job Share <input type="checkbox"/>		Annualised hours <input type="checkbox"/>
	Term time working <input type="checkbox"/>	Compressed hours <input type="checkbox"/>	Home working <input type="checkbox"/>	Changes to working pattern <input type="checkbox"/>
	Other <input type="checkbox"/> Please state:			
Current Working Pattern (days/hours/times):		Requested Working Pattern (days/hours/times):		
I wish this change to be: Permanent/Temporary (please delete as appropriate)				
If the change is to be temporary, please indicate how long you would like it to continue:				
Proposed start date:				

Impact of the requested working pattern (use separate sheet if required)

Please describe how you think this change in your working pattern might affect your current duties, your colleagues and the service your team/department provides:

Accommodating the new working pattern (use separate sheet if required)

How do you think the effect(s) you've described above might be dealt with?

Please add the reason for your request if you wish (optional):

Date(s) of any previous requests(s):

Signed: _____ **Date:** _____

PART 2 - To be completed in full by Line Manager following discussion with Employee:

(Note: if you are able to approve the change as requested, a meeting may not be needed)

I have carefully considered your flexible working request and can now confirm that your application has been:

1.	<input type="checkbox"/>	Agreed, as requested. An Employment Change Form is enclosed for you to sign and return to me as soon as possible
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OR

2.	<input type="checkbox"/>	<p>Agreed in part or with the following modification(s):</p> <p>An Employment Change Form is enclosed for you to sign and return to me as soon as possible.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>The reason(s) for these modification(s) are:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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OR

3. Regrettably declined for the following reason(s):

- the burden of additional costs
- inability to reorganise work among existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- detrimental effect on ability to meet service demands
- insufficient work during the period the employee proposes to work
- planned structural change where it is considered the flexible working changes may not fit with these plans

An explanation of why the above grounds apply is as follows: (use separate sheet if required)

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Signed:_____ Date:_____

Note to Employee: This arrangement will be reviewed annually, during management supervision, to ensure it continues to meet both your needs and the needs of the service.

Right of Appeal

You have the right to appeal against my decision. Any appeal should be submitted in writing, clearly stating your grounds of appeal, to *(Name and Job Title of next level manager)*

.....,

within 14 calendar days of the date of this notification.

The Line Manager must send a copy of this form to the Human Resources Department and return the original to the Employee.

APPENDIX 2 – REDUCTION IN HOURS

Principles

Reduction in hours' arrangements will usually be agreed on a permanent basis. Advantages can include:

- flexibility in workforce planning to match peaks and troughs in activity
- having a greater range of skills and experience available in the team
- not lose existing employees who cannot continue to work full time
- helps strengthen the loyalty and commitment of staff by enabling them to deal with
- responsibilities outside work without having to leave or change to a permanent part-time contract

In certain circumstances, e.g., due to personal circumstances, a request can be agreed on a temporary basis, however this will be for a maximum of 12 months and a review must be undertaken no later than 3 months before the end of the agreed period. Normally an alternative solution will be considered after 12 months if the reduction in hours were still required. However, in exceptional circumstances, the temporary arrangements may be extended. Where the reduction has been agreed on a temporary basis, if an individual wishes to return to their former hours earlier than originally agreed, they must give at least three months' notice in writing as arrangements may have been made to cover the hours.

Access to Training and Development

Part time employees must have the same access to training, career development and participation in team activities. Part-time opportunities at all levels of the organisation create promotion prospects for part time staff who may otherwise feel limited in aspiration. It is important that part-time employees are included as much as possible in team development.

Pay and Annual Leave

Salaries and holidays for part-time staff are calculated on a pro-rata basis. Pro-rata means that part-time workers are entitled to the same proportion of leave or pay as a full time person. For example – someone working four days per week would be entitled to 4/5ths of the salary as a full time person on the same grade and incremental point and 4/5ths of the full-time holiday entitlement for the grade and length of service.

Bank Holidays

Part-time employees are entitled to paid public holidays no less than pro-rata to the number of public holidays for full time workers. Part-time workers public holiday entitlement will be added to their annual leave entitlement and they will take public holidays they would normally work as annual leave.

Pension & Benefits

All part-time employees are eligible to join the NHS Pension Scheme. It is the individual's responsibility to verify with Payroll any effect on pension and benefits of any move to reduced hours working.

APPENDIX 3 - JOB SHARING

Two or more people doing one job are often more productive than one person including

- The broader range of skills and knowledge offered by two job sharers complementing each other rather than one full time person
- The whole job does not stop if one job sharer is absent

The benefit of job sharing for employees can be:

- It allows people to take up posts in areas where it has not traditionally been possible to work part time e.g. professional occupations and skilled jobs
- It allows people who want to work part time to continue working in a job that reflects their level of skill or qualification
- It makes it easier for women to return to work from maternity leave and can provide work opportunities for some people who would otherwise not be able to work at all

Many posts can be shared and as part of the review of any vacancy, managers must carefully examine whether a post is suitable for job sharing.

Introduction of Job Sharing

Job sharing can be introduced into a post in a number of ways.

Existing employees

Applications may be from a single individual or from two employees in the same type of work and should include details of how the work could be divided and the way in which the hours could be split.

- Request from two existing employees to share their job

If approved, the arrangement can be introduced as soon as it is practical to do so.

- Employee wishes to hold own post on job share

The employee must apply at least 3 months before they wish to begin the job share.

If it is considered suitable, the remaining part of the post will be advertised. Only when a suitable job sharer is appointed can the arrangement commence.

The person applying for the job share will be given an opportunity to meet shortlisted candidates; however the appointment panel will remain responsible for the final selection and appointment.

If it is not possible to appoint to the post, further consideration will be given as to whether the work may be organised in a different way to allow the employee to reduce their hours before the application is turned down.

External applicants for posts

Managers and Appointing Officers must follow the procedure set out in the Trust's Recruitment and Selection policy. Applications may be from

- Applicants applying with a job-share partner

Both applicants must apply for the post separately. They may choose to add an additional statement in support of their joint application and must both meet the specification set out for appropriate skills and experience.

The applicants will be interviewed separately so that they can each be considered on their own merits against the relevant selection criteria. If one half of a job share is considered unsuitable at any stage of the process, the other applicant will be given the opportunity of continuing with their application.

- Applicants applying for job share without a job-share partner

Where the job share applicant is clearly the best candidate, they may be given a conditional offer of appointment subject to the successful recruitment of a suitable partner.

If a suitable partner cannot be found and the applicant is not able to take up a post on a full time basis then it will not be possible to continue with the appointment

Conditions of Employment

Working arrangements

An established working pattern must be agreed at the outset by the manager and job sharers. This can be done in a number of ways e.g.

- each employee working mornings or afternoons
- working half the week each
- one person working the whole week and the other person the next week

A handover period between the sharers must also be agreed during the normal working week and the amount of time required will depend on the particular post.

Where one job share partner is absent for any reason and the work needs to be covered, the manager will consider what arrangement may be required. In the first instance this may include asking the other job share partner to work additional hours, but pressure will not be put on the job share partner to cover.

Each job share partner will be given an individual statement of employment terms and conditions.

Grade, Pay and Increment

The grade will apply equally to both job share partners and any grading review will apply to the whole post.

Starting salary will be in line with the Trust's protocol on starting salaries. Each job share partner's salary will be calculated on the proportion of the hours which they are contracted to work against the full time salary for the post and their commencing salary and increments will be determined in accordance with terms and conditions of service.

Those benefits which vary as a result of length of service e.g. incremental credit, annual leave, sick pay, maternity entitlements etc., will be determined on an individual basis.

Leave

Each job sharer will receive the standard leave entitlement for the post on a pro rata basis according to their contracted hours and length of service. The eight public holidays will be shared pro rata to the hours worked. Individuals will not normally take annual leave at the same time and will be expected to mutually agree dates with their manager according to the needs of the service.

Sickness

Job sharers are entitled to sick pay in accordance with national conditions of service and normal arrangements as set out in the Trust's Sickness Absence Policy will apply.

Resignation of one half of a Job Share

If a job sharer resigns:

- the manager must consider whether the vacant hours need to be filled and make a request for approval to fill the vacancy
- if approved, the hours will be offered to the remaining job sharer first; if they do not wish to take up the hours the job share will be advertised
- if recruitment is not successful the Trust will have to make a decision regarding the continuation of the job share and redeployment may be considered for the existing post holder.

Appraisal

Job sharers have both joint and individual responsibility for performance and consideration should be given to how appraisal is undertaken and whether this should be conducted together or singly.

Cover arrangements

Where one job share partner is absent for any reason and the work needs to be covered the Manager will consider what arrangements need to be made. This may include asking the other job share partner to work additional hours. If the individual agrees to work additional hours to cover such absence, any additional hours worked above those specified in their personal contract will be paid at basic rate up to the full time hours for the post.

Changes to Job Share arrangements

As with any other employees, changes in working arrangements or terms of employment may be necessary for either or both job share partners to meet the changing requirements of the service. Where this occurs, the Manager will consult with both job-share partners before implementing the change.

APPENDIX 4 - FLEXI-TIME

Flexi-time is most suitable where there are no standard times e.g. not everyone is required to start at 9am and finish at 5pm. Flexi time may not therefore be suitable in some services

The framework Flexi-Time Scheme set out below has been agreed and used within a number of areas of the Trust. It includes details around the key requirements of a scheme, covering hours, recording arrangements and taking flexitime. Depending on particular service needs, specific details may need to be different and those areas should be discussed and agreed with the employees involved and the changes documented.

Flexibility is the capacity to be responsive to changing conditions. It suggests the ability to bend in both directions. If it is applied in a reasonable and consistent manner it would be of benefit to employees' home life/work balance and also beneficial to the Trust to meet peaks in demands / workload.

This scheme will apply to all employees who work to flexi-time guidelines on all Trust sites to ensure standardisation of practices and working patterns.

1. GENERAL DESCRIPTION

The scheme provides employees with flexibility in varying their own arrival and departure times. The flexibility will depend upon the needs of the department concerned and a degree of co-operation within the department to ensure that adequate cover is maintained during core office hours. When taking any flexi-leave, arrangements **MUST** be made to ensure that telephone calls are transferred to another member of employees within the core hours. It is the responsibility of each individual to make these arrangements.

2. SUPERVISION OF THE SCHEME

Each departmental manager and/or nominated supervisor will be responsible for supervising the operation of the scheme and ensuring that these guidelines are followed with consistency and fairness.

3. FLEXIBLE WORKING DAY

The flexible working day will consist of 5 periods:

*Flexible arrival period	0800 – 1000 hours
Morning core period	1000 – 1200 hours
*Flexible lunch period	1200 – 1400 hours
Afternoon core period	1400 – 1600 hours
*Flexible departure period	1600 – 1800 hours

* Arrival and departure can take place at any time during these periods.

Subject to the discretion of the departmental manager and the needs of the service, employees may arrive at work at any time during the flexible arrival period and leave work at any time during the flexible departure period. Employees should normally be at work for the whole of the morning and afternoon core periods and if there is an essential

reason for you to arrive or leave during these core hours, you must discuss this with your manager beforehand. When taking a half day flexi-leave the arrival and departure can be at any time during the flexible lunch period.

If service needs dictate key employees may be authorised by the Departmental Manager to arrive up to 30 minutes prior to the start of the morning flexible arrival period (i.e. 0730 hours.)

4. LUNCH BREAKS

Must be a minimum of 30 minutes duration (for full time employees or anyone who works 6 hours or more per day) and must be taken during the flexible lunch period. Each department should ensure that staggered lunch breaks occur so that there is an employee in each department during the flexible lunch period. **No credit will be given for lunch breaks that are worked.**

5. TIME RECORDING

Employees will be required to record their start and finish times by signing in and out using a system that will be provided for that purpose. Employees must only sign in when they are prepared to begin work and must sign out immediately on ending work, at the nearest point to their work base. Employees will be responsible for their own time recording and **MUST NOT** permit any other person to sign in or out on their behalf. Disciplinary action, up to and including dismissal, may be taken if anyone is found signing in and out for any other person.

6. CALCULATION OF FLEXTIME BALANCE

Each working day, the flexitime system will debit each employee with the standard working hours for that day. Each employee will be credited for their attendance time for that day, excluding lunch breaks. They will also be credited with the appropriate time for any approved absences. The resulting difference will be added to or subtracted from the current flexitime balance for that employee, which will then be carried forward to the next working day.

7. ACCOUNTING PERIOD

The accounting period for flexitime calculations will be 4 calendar weeks ending at 1800 hours on Friday of week four.

8. BALANCES CARRIED FORWARD

A maximum credit balance of 15 hours (or 2 days of standard contracted hours for a part-time employee) may be carried forward to the next accounting period. Unless there is prior agreement with the Departmental Manager any hours in excess of the 2 standard working days will be lost at the end of week four.

A maximum debit balance of 3 hours 45 minutes (or ½ day of standard contracted hours for part-time employees) may be carried forward to the next accounting period. In exceptional circumstances, an employee may unavoidably accrue a debit balance in excess of this limit by the end of an accounting period. The departmental manager may authorise this to be carried forward if they are satisfied that the employee could not reasonably have made up the time within the accounting period just ended.

Any debit hours carried forward to the next accounting period must be made up within the month of that period.

9. BALANCES ON TERMINATION

On termination of employment, the balance of any debit/credit hours will be adjusted on the employee's final salary payment.

10. ADJUSTMENTS FOR ABSENCES

10.1 Work Away From Base

Time spent away from base on official business will be credited up to the standard hours for the day. In exceptional circumstances (e.g. where an employee is required to travel or attend meetings outside the normal hours) the departmental manager will authorise a credit of hours in excess of the standard working day.

10.2 Annual Leave/Study Leave/Maternity Leave

Employees will be credited with the appropriate number of standard half or full days for any leave taken. Employees should continue to request such leave in advance and to make a record in their leave card.

10.3 Sick Leave

Employees will be credited with the appropriate number of standard half or full days for any leave taken. Anyone who has to go home sick from work will be credited with the difference between time already worked and the standard time for that day. Sick leave should continue to be noted on each employee's leave card.

10.4 Medical Appointments

Employees will be expected to arrange medical appointments during flexible arrival and departure periods. Where this is not possible, flexi-leave should be taken as described in Section 11 below.

10.5 Other Absences

The departmental manager may authorise flexitime credit to be given for other approved absences.

11. FLEXI – LEAVE

Subject to the approval of the departmental manager, employees may reduce an accrued credit balance by taking leave up to a maximum of one day within each accounting period (4 calendar weeks). In most circumstances this will normally be a full or half day. However, subject to the agreement of the manager and the requirements of the service, this may be taken in shorter periods.

In addition to this an employee may take a second day within an accounting period up to four times a year. Such leave should be requested in advance, in the same way as annual leave is requested, and a record kept on each employee's leave card.

A rota system may be instigated where the number of employees requiring flexi leave exceeds the department's ability to meet that demand. Should this be necessary a suitable rota should be mutually agreed, prior to implementation.

Flexi leave can be cancelled if service needs require employee to be at work. Where possible, at least 24 hours notice will be given of a cancellation, however, there may be circumstances that may necessitate cancellation on the same day, for example, someone taking flexi leave in the afternoon may have it cancelled in the morning.

It may be possible, where workloads are particularly high, to work overtime and be paid for these hours. This only applies when it has been agreed with the departmental manager **prior** to working the extra hours.

12. OVERTIME

Overtime is outside the scope of this agreement. In particular, no overtime will be paid to any employee who has accumulated a debit flexitime balance or in respect of work undertaken during the flexible working day.

13. DISCIPLINARY ACTION

If an employee fails to operate within these terms and conditions this may result in disciplinary action.

14. RIGHT OF APPEAL

It is expected that the flexi-time scheme will be implemented fairly and consistently. Where an employee is dissatisfied with a decision concerning the flexi time scheme, they should raise the matter informally with their immediate manager in the first instance. If the issue is not resolved at this stage, the Trust Grievance procedure will apply. These guidelines will be periodically reviewed in order to meet the changing needs of the service.

APPENDIX 6 - ANNUALISED HOURS

Annualised hours is a form of working arrangement where a commitment is made to work a set number of hours each year and the pattern of working hours can enable activity peaks and troughs to be taken into account. This can allow for seasonal working patterns such as different hours in summer and winter or flexibility over shorter periods.

Pay

All annualised hours employees will be paid equal basic monthly salary payments based on average monthly hours irrespective of actual variations in working patterns.

Annualised hours will be worked flexibly and according to needs of the service. This may include working unsocial hours, weekends and bank holidays for which enhancements will be paid in line with terms and conditions of service.

Individuals will also be required to agree a minimum and a maximum number of hours per week (unless on leave) which will be agreed with the Department Manager.

When considering introducing annualised hours it is important to involve Human Resources and the Payroll Department when calculating the hours and associated pay of an individual working on an annualised basis.

The following example shows the calculation for determining how many hours a full time employee with over 10 years' service who is contracted to work 37.5 hours per week is required to work in a year:

Contracted hours	=	37.5 x 52.143	=	1,955.36
*Annual leave hours	=	37.5 /5 days x 33 annual leave days per annum	=	247.50
*Public holiday hours	=	37.5/5 days x 8 public holidays per annum	=	60.00
Total working hours	=	1955.36 – 247.5 – 60	=	1,647.86

***NOTE** – the annual and public holiday entitlements used above are those which apply under Agenda for Change.

Sickness

An employee will receive sick pay for any shifts that they were rostered to work but were unable to due to sickness subject sick pay entitlements under terms and conditions of service.

Sickness certification and notification will be the same as other employees in the Trust. If an individual is absent due to sickness, the number of hours recorded as sickness will be whatever the employee had been requested to work that week.

Annual Leave and Bank Holidays

Employees will receive an annual leave entitlement including bank holidays (pro-rata for part time staff) based on the employee's average weekly working hours. This entitlement will be deducted from the number of hours to be worked annually so that the employee works fewer hours than s/he receives pay for. Medical staff leave is calculated under separate terms and conditions of employment – advice may be obtained from Human Resources.

Pension and Benefits

An employee considering annualised hours working should contact Payroll to discuss any effect this may have on NHS Pension or benefits.

Working Time Regulations

Whilst variations in working patterns are permitted under the scheme employees will be expected to comply with Working Time Regulations. Staff can work more than 48 hours in one week as long as the average over 17 weeks is not more than 48 hours per week.

The individual must also take responsibility for monitoring their hours worked.

Salary on termination

It will be the Manager's responsibility to identify any hours over or under worked so that salary can be reclaimed for hours underworked and additional payment made for additional hours.

Monitoring and recording hours

Line managers are responsible for keeping a record of the hours worked for any employees working annualised hours and monitoring them against the hours required.

Although the numbers of hours may be expressed as an annual total, monitoring must take place on a regular basis to ensure that at the end of a year, an individual has not worked over or under the agreed hours.

The employee must also take responsibility for monitoring their hours.

Contract

Agreements with regards to annualised hours will be made on a temporary basis for a maximum period of 12 months. A further request will need to be made at the 12 months point should employees wish to maintain the arrangements. This will need to be processed as a new request.

APPENDIX 7 - TERM TIME WORKING

Employees who work in term time only do not work at all during the recognised school holidays but get paid all year round at a pro-rata rate. This allows an employee to combine employment with the need to respond to childcare responsibilities during school holidays.

There may be limits to the number of posts that can be accommodated on term time only contracts in a department as demand for most health services does not diminish significantly during school holidays, but term time working could apply in circumstances which include

- School holidays breaks coincide with dips in activity
- Where work is project based and can be planned to meet deadlines without the need to work all year
- Where cover can be easily obtained during school holiday periods.

In these circumstances term time working can help match staffing levels to service requirements.

Work pattern and annual leave

The standard work period is normally 39 weeks, which is in accordance with the standard academic year. An employee would normally be expected to work during term time and take their annual leave during the school holidays.

Employees must ensure that they notify their manager of school term dates in advance of the academic year so that work and cover can be planned.

Other leave

In exceptional circumstances the Manager can authorise leave such as special leave or other types of leave where appropriate or unpaid leave.

Contract

Agreements with regards to term time working will be made on a temporary basis for a maximum period of 12 months. A further request will need to be made at the 12 months point should employees wish to maintain the arrangements. This will need to be processed as a new request.

Payment of salary

Salary is calculated as an annual amount (inclusive of leave entitlement and bank holidays on a pro rata basis) and paid in equal monthly instalments throughout the year. The salary is recalculated and adjusted when the contract starts or finishes part way through the year.

Payroll can give advice on the calculation of hours worked in the year including holidays.

APPENDIX 8 - COMPRESSED HOURS

Principles

Compressed hours is a form of flexible working which can help employees achieve better work-life balance. It enables employees to request a reduction in the number of days worked by extending the number of hours worked on each day e.g.

37.5 hours over a 4 day week or 75 hours over a 9 day fortnight

Considerations

Managers will need to consider the needs of the service when considering any application to work compressed hours. This will include whether the working pattern proposed is appropriate for the nature of work which the employee undertakes as well as the working arrangements of others in the service. A compressed hours arrangement will be relevant to an individual and a specific job. If the employee changes jobs or base and wishes to maintain this arrangement they will need to reapply.

Hours of work

It will be necessary to agree the normal start, lunch and finish times/when the hours are to be worked. A lunch break of not less than 30 minutes must be allowed for where an employee is scheduled to work longer than 6 hours in a day.

The normal pattern would be to allow either one day off a week (e.g. every Wednesday) or one day off a fortnight (e.g. every other Tuesday). The day off is fixed and should not be varied unless there are exceptional circumstances and the express permission of the Manager is obtained.

Working time must be within legal requirements which stipulate a maximum of 48 hours can be worked in a week and there should be a minimum of 11 hours rest between each shift. A full-time employee working 37.5 hours cannot compress their hours into less than 4 working days.

Annual Leave and Bank Holidays

For an a employee working compressed hours annual leave and bank holidays should be expressed in hours rather than days per leave year to take account of the fact that the working day is longer than the standard.

If a Bank holiday falls on a working day the usual working hours should be deducted from the entitlement. If a bank holiday falls on a day not usually worked i.e. on a Monday when the employee works Tuesday to Friday then no deduction of hours is necessary.

Contract

Agreements with regards to compressed hours will be made on a temporary basis for a maximum period of 12 months. A further request will need to be made at the 12 months

point should employees wish to maintain the arrangements. This will need to be processed as a new request.

APPENDIX 9 - HOMEWORKING

Principles

The growth of information technology in recent years has increased the range of tasks that might be carried out by employees working from home rather than Trust premises

It is not intended that home working should be a permanent arrangement except in very rare cases or special circumstances. It should be kept under regular review.

Categories of home working

- **Occasional Homeworking**

Available to individuals with duties that normally would require them to be present in one of the Trust bases for the majority of their time in the working year. This would include employees requiring regular contact with peers, managers or clients, managers who need to be accessible to their team members and staff providing direct support to work groups.

For senior or middle managers the option to complete reports and similar pieces of work or deal with backlogs of emails free from other distractions, at a time that suits the individual and the organisation would be of key benefit.

For other staff, working from home from time to time might be appropriate to allow for particular pieces of work to be completed or to allow the individual for a short period of time to continue to be productive while dealing with domestic arrangements.

- **Regular home workers**

Consideration may be given to regular home working to individuals with duties that could be carried out from their home for a significant proportion of their working time each year. The individual would typically be carrying out project based pieces of work that include periods of document review, data analysis and report writing that could be carried out remotely from the nearest office base, interspersed with attendance at Trust sites or collaborative work requiring face to face contact. The individual would usually need minimal support and direct supervision outside regular one to one meetings with their Manager.

Guidance for Home Working

Employees who work from home are covered by the same standards as all other employees. Arrangements for home workers therefore need to be organised so that employees can attend regular team and supervision meetings, meet with those they manage, participate in developmental activities etc.,

Workloads need to be appropriately organised and quality and performance management maintained, whether an employee is an occasional or regular home worker or is office based.

There will be differences in the way people interact when employees work from home and some aspects of management taken for granted in the conventional office environment need to be more specific.

Suitability for home working

There is no automatic entitlement to work from home.

Managers will determine whether home working is appropriate and in each case the business benefits as well as the reasons for the request will be considered.

Assessing the business case means considering how the service is currently delivered and being clear about the results expected from home working, such as reduced accommodation costs or the service being available over longer periods for clients. The Manager needs to consider how results will be measured and discuss this with the employee.

Health and Safety/Confidentiality

If an application for homeworking is received it is essential that the HR Department are contacted to ensure all aspects of homeworking are considered including:

Health and Safety – appropriate set up of workstations, positioning of monitors/screens, electrical safety, fire safety, first aid, other family members at home

Confidentiality and Security of Data – use of encrypted lap tops, security of electronic or paper files. Confidential waste is not disposed of in a normal household bin, but either taken back to base and be safely disposed of there or shredded at home

DOCUMENT CONTROL

Equality Impact Assessment Date	
Sub-Committee & Approval Date	Joint Partnership Forum 07 August 2019

History of previous published versions of this document:

Version	Ratified Date	Review Date	Date Published	Disposal Date
CPFT POL/004/029	Oct 17	Oct 19	Oct 17	N/A
NCUH HR19 8.0	30/01/19	31/10/19	30/01/19	N/A

Statement of changes made from previous version

Version	Date	Section & Description
NCUH HR19 8.0	06/06/2019	Process change: Consideration and decision-making devolved to line managers. Summary flowchart, policy content and Flexible Working Application Form amended accordingly Removed section and appendix on Flexible Retirement – now covered by Joint Flexible Retirement Policy
CPFT POL/004/029	06/06/2019	Removed section on Buying Additional Annual Leave – now included in Joint Annual Leave Policy. Right to request Flexible Working from Day 1 of employment.
NCUH HR19 8.0 and CPFT POL/004/029	06/06/2019	Re-formatted for Joint Policy Template Minor amendments to language and grammar throughout to reflect context of Joint policy GDPR Statement added Section Headings and numbering updated Page numbers updated Table of Contents updated
0.1	25/07/2019	Following updated following consultation to reflect that all flexible working arrangements will be reviewed annually during management supervision to ensure they continue to meet both the needs of the individual and the service: Key Requirements General Principles Section 3.8 Application Form (Annex 1)
0.2	12/08/2019	Formatting and spelling amendments

List of Stakeholders who have reviewed the document

Name	Job Title	Date
Clinical Care Groups	Senior Management Teams (for cascade to Line Managers)	19/06/2019
Corporate Services	Heads of Service (for cascade to Line Managers)	19/06/2019
Staff Representatives	Joint Staff Chairs and Vice Chairs (for cascade to Staff Representatives)	19/06/2019
Joint HR Policy Sub Group	Management and Staff Representatives	25/07/2019