

FLEXIBLE WORKING FOR DOMESTIC, CARER, PERSONAL AND FAMILY REASONS POLICY

SUMMARY	To provide a process to ensure that all employees have the right to make a request for flexible working and that it will be considered based on the needs of the individual against business/service needs in line with employment law and good practice.
AUTHOR	Peter Smith, HR Business Partner
POLICY REFERENCE	HR 022
VERSION	1.1
EFFECTIVE DATE	tbc
APPLIES TO	Employees
APPROVAL BODY	RCCHG Governing Body
RELATED DOCUMENTS	Annual and Special Leave Policy, Employment Break Policy, Retirement Policy, Equality and Diversity Policy.
REVIEW DATE	August 2016

THIS POLICY IS SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT

VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
1.1	14-8-14	P Smith	Draft 1	1 st draft to OE
2	14-10-14	P Smith	Draft 2	2 nd draft following OE discussion.
3/4	3-11-14	P Smith	Draft 3/4	3 rd draft for circulation
5	24-11-14	P Smith	Draft 5	5 th Draft – to AQUA

CONTENTS

SECTION A: POLICY	PAGE NUMBER
1. Purpose	3
2. Scope	4
3. Equality Statement	4
4. Accountability	4
5. Implementation and Monitoring	4
6. Responsibilities	5
SECTION B: PROCEDURE	
1. Application for Flexible Working	7
2. Eligibility Criteria	7
3. Application Process	7
4. Actions to be taken when approving an application	8
5. Declining an Application	8
6. Right of Appeal	8
7. Types of Flexible Working	8
APPENDICES	
Appendix 1 – Flowchart showing the Procedure for requesting Flexible Working	
Appendix 2– Application Form for Flexible Working	
Appendix 3 – Initial Equality Impact Assessment	

1. PURPOSE

- 1.1. NHS Rotherham Clinical Commissioning Group (RCCG) recognises that in addition to the duties and responsibilities that employees have at work, many employees also have responsibilities and commitments outside of work including carer responsibilities for children and/or adults in need of care. These responsibilities may mean that an employee would benefit from a flexible pattern of work, or that in exceptional circumstances they may require short term leave to cover urgent and unforeseen situations.
- 1.2. RCCG will ensure that all employees have the right to make a request for flexible working and that it will be considered by managers who will endeavour to balance the needs of the individual making the request against business/service needs. In addition a provision is made for employees to request short term leave to cover urgent and unforeseen circumstances.
- 1.3. Flexible patterns of working may cover various contractual arrangements and work patterns. This policy document details the following schemes:
 - Right to request flexible working
 - Job Sharing
 - Career Break Scheme
 - Flexi Time
 - Part Time Working
 - Home Working
 - Leave for domestic, personal and family reasons
- 1.4. Arrangements associated with flexible retirement are covered in the CCG's Retirement Policy.
- 1.5. The development of this policy:
 - Promotes RCCG as an Employer of Choice by offering flexible patterns of working to aid recruitment and meet the CCG's commitment to equality of opportunity
 - Improves staff retention by enabling employees to have an effective work life balance
 - Reduces absenteeism by enabling adequate personal time outside of work for employees to meet personal commitments
 - Increases efficiency by using flexible working to meet peaks in work patterns
 - Improves morale and motivation of staff who benefit from flexible working
 - Enables employees who may wish to gradually decrease their hours prior to retirement to benefit from a gradual step down of time commitment.

2. SCOPE

- 2.1 This policy applies to those members of staff that are directly employed by RCCG and for whom RCCG has legal responsibility. For those staff covered by a letter of authority / honorary contract/contract for service or work experience this policy is also applicable whilst undertaking duties on behalf of RCCG or working on RCCG premises and forms part of their arrangements with RCCG.

3. EQUALITY STATEMENT

- 3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

4. ACCOUNTABILITY

- 4.1 The Chief Officer is accountable for this policy.

5. IMPLEMENTATION AND MONITORING

- 5.1 The RCCG Governing Body is responsible for formal approval of this Policy and the Operational Executive for monitoring compliance. Following ratification the policy will be disseminated to staff via the organisations intranet.
- 5.2 The policy and procedure will be reviewed periodically by the HR Business Partner in conjunction with managers and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

6. RESPONSIBILITIES

6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

6.2 Employees

It is the responsibility of employees to ensure that:

- Applications are made in advance of when the employee wishes the change to take place
- To provide a carefully considered application with as much detail as possible
- To be prepared to discuss their application with their manager in an open and constructive manner
- To be flexible where a mutually agreed compromise is required
- To agree to regular review periods to ensure the pattern of working is still valid and meets the needs of the business as well as themselves

6.3 Line Managers

It is the responsibility of line managers to ensure that:

- Consideration is given to the request for flexible working in accordance with set procedure
- They adhere to the time limits as set out in this policy
- To provide the appropriate support and information to the employee throughout the course of the application
- They only decline a request where there is a recognised business need
- They review flexible working patterns at agreed intervals to ensure the pattern is still valid/effective
- They consult the relevant OE Member to ensure the decision is ratified by OE to ensure consistency across the workforce.

6.4 HR Business Partner

The HR Business partner is responsible for

- Leading the development, implementation and review of the policy.

SECTION B – PROCEDURE

1. Application for Flexible Working

- 1.1. This policy and procedure is open to all employees and potential employees of RCCG. Employees have the right to request changes to their terms of employment to help them care for their child, spouse, partner, civil partner or near relative, or for an individual who lives at the same address as the employee.
- 1.2. Appendix 1 shows a Flowchart of the Procedure
- 1.3. Appendix 2 is the application form for the employee to complete to request for flexible working and should be completed in all cases.

2. Eligibility Criteria

- 2.1. Eligibility to request flexible working as an employment right extends to all employees with the required service of 26 weeks, regardless of whether or not they have caring responsibilities. The employee must be directly employed and eligibility does not extend to agency workers.
- 2.3. The employee may only make one request in any 12 months period.

3. Application Process

- 3.1. The employee should submit their request for flexible working using the application form contained in Appendix 1. The employee should give as much notice as possible and within the minimum timescales set out in the following paragraphs.
- 3.2. Upon receipt of the application the line manager must meet with the employee within 28 days to discuss the full details of the request. Within 14 days of that meeting the line manager should respond in writing with the decision. Where annual leave or sickness absence prevent these timescales from being achieved they may be extended.

4. Actions to be taken when approving an application

- 4.1. The line manager should confirm in writing the approval of the flexible working request and confirm the arrangements in full regarding working hours, annual leave etc., and the date that the revised working pattern will take effect from.
- 4.2. Consideration should be given to the intervals at which the revised working pattern will be reviewed and this should be confirmed to the employee.

- 4.3. The line manager should complete an employee change form (if there is a contract variation) and forward this to WSYBCSU.HumanResources@nhs.net along with copies of all correspondence in relation to the flexible working request.

5. Declining an Application

- 5.1. Applications for flexible working can be declined. However there are specific grounds for rejection that must be evidenced. These are as follows:
- The ability of the CCG to deliver its business requirements
 - The qualifying conditions have not been met
 - The burden of additional costs
 - Detrimental effect on the ability of the employee to meet business need
 - Inability to reorganise the work amongst existing employees
 - Inability to recruit additional employees
 - Detrimental impact on performance/quality
 - Insufficient work during the period the employee proposes to work
 - Planned structural changes

6. Right of Appeal

- 6.1. If an employee feels that their application for flexible working has been treated unfairly they have the right to appeal under the terms of the CCG's Grievance Policy. Unreasonable refusal to consider a flexible working request may be deemed discriminatory.

7. Types of Flexible Working

7.1. Job Sharing

7.1.1 Job sharing is a flexible working arrangement which enables two or more, employees to share the duties and responsibilities of a post. The salary associated with the post is divided between the number of job share partners in direct proportion to the number of hours they work. Annual leave and public holidays entitlement will also be pro rata based on the number of hours worked and based on length of service in accordance with NHS terms and conditions of service.

7.1.2. A job share will originate in one of the following ways:

- From a vacant post which is advertised as open to job share applicants
- From a request from two or more existing employees who submit a joint application as a 'ready made' partnership to job share a full time post.
- From one existing employee who requests a job share, the other share of the post to be advertised.

7.1.3. In the case of an existing employee requesting a job share, the request should only be approved when a suitable candidate is appointed to the remainder of the post.

7.1.4. There are a number of important factors to be considered when recruiting to a job share post as follows:

- Clear definition of the duties and responsibilities of the post and how they are to be shared
- How to ensure equal effort of all job share partners
- Flexibility of job sharers to cover each other during periods of annual leave or sickness absence
- Communication in terms of effective handover periods between one job sharer to the other
- Increased supervision may be required initially by managers
- Administration and associated costs may be higher, for example for training and development

7.2. **Flexi Time**

7.2.1. Flexi time enables employees to vary their working hours within agreed limits, i.e. they can vary the start and finish times for the working day and lunch breaks, provided they work the locally agreed 'core times'. Core hours should be specific to business requirements and to ensure cover arrangements are in place. Typical core period would be – 10.00 am to 12.00 noon and 2.00 pm to 4.00 pm.

7.2.2. It should be noted that flexi time may not always be possible due to business requirements. The following provides an overview of formal flexi time working. The core flexi time system will be agreed in consultation with employees, the HR Business Partner and Staff Side.

7.2.3. Employees may work longer than the standard working day when necessary and 'save' the additional hours worked to take as time in lieu at a later date. This must be taken in accordance with local flexi time rules. Additionally an employee may have a deficit of hours worked which again should be agreed in accordance with local flexi time rules.

7.2.4. RCCG will allow 7.5 hours, pro rata for part time staff, to be taken or carried over from one accounting period to the next. The accounting period is 4 weeks and no more than 7.5 hours, pro rata for part time staff. per 4 week period can either be accrued or owed. In exceptional circumstances where there is an organisational imperative, e.g. financial year end, the Operational Executive may by exception approve additional carry over for specified periods.

- 7.2.5. The RCCG timesheet must be completed to record employees start time, commencement of lunch break and recommencement from lunch break (minimum of 20 minutes, unpaid, if the employee works more than 6 hours per day) and a finish time. The employee should sign the form to confirm that the information contained on the form is accurate and to acknowledge that any misrepresentation of the hours worked may lead to disciplinary proceedings. The supervisor or line manager should also sign the form each month.
- 7.2.6. Where abuse of the system is suspected the flexi time arrangement for that employee will be suspended and an investigation will be conducted which may result in disciplinary action and dismissal. Where abuse of the system is proven the flexi time arrangement will be withdrawn.

7.3. Part Time Working

- 7.3.1. This is an established area of flexible working. In some cases an employee may wish to reduce their hours to part time for a period of time to combine work and personal commitments and then return to full time work at a later date.
- 7.3.2. Where an employee requests a change from full time to part time hours this should be considered wherever possible and only refused where there are good operational or business reasons for doing so.
- 7.3.3. The majority of vacant posts should be advertised as open to part time working.

7.4. Home Working

- 7.4.1. Home working may be agreed informally, for a few agreed hours, to complete project work, specific pieces of work etc. where it can be demonstrated that the work can be completed effectively from home, there are good operational and business reasons for doing so and it can be demonstrated the service at Oak House is covered.
- 7.4.2. Employees wishing to work from home on an ad hoc basis should agree this with their line manager and the work to be undertaken should be agreed. The line manager must consider the impact of home working on the rest of the team. Contact arrangements should also be put in place.
- 7.4.3. It is the responsibility of the employee to inform their home insurance provider that they are working from home and provide any details that maybe required.

7.5. Condensed Hours

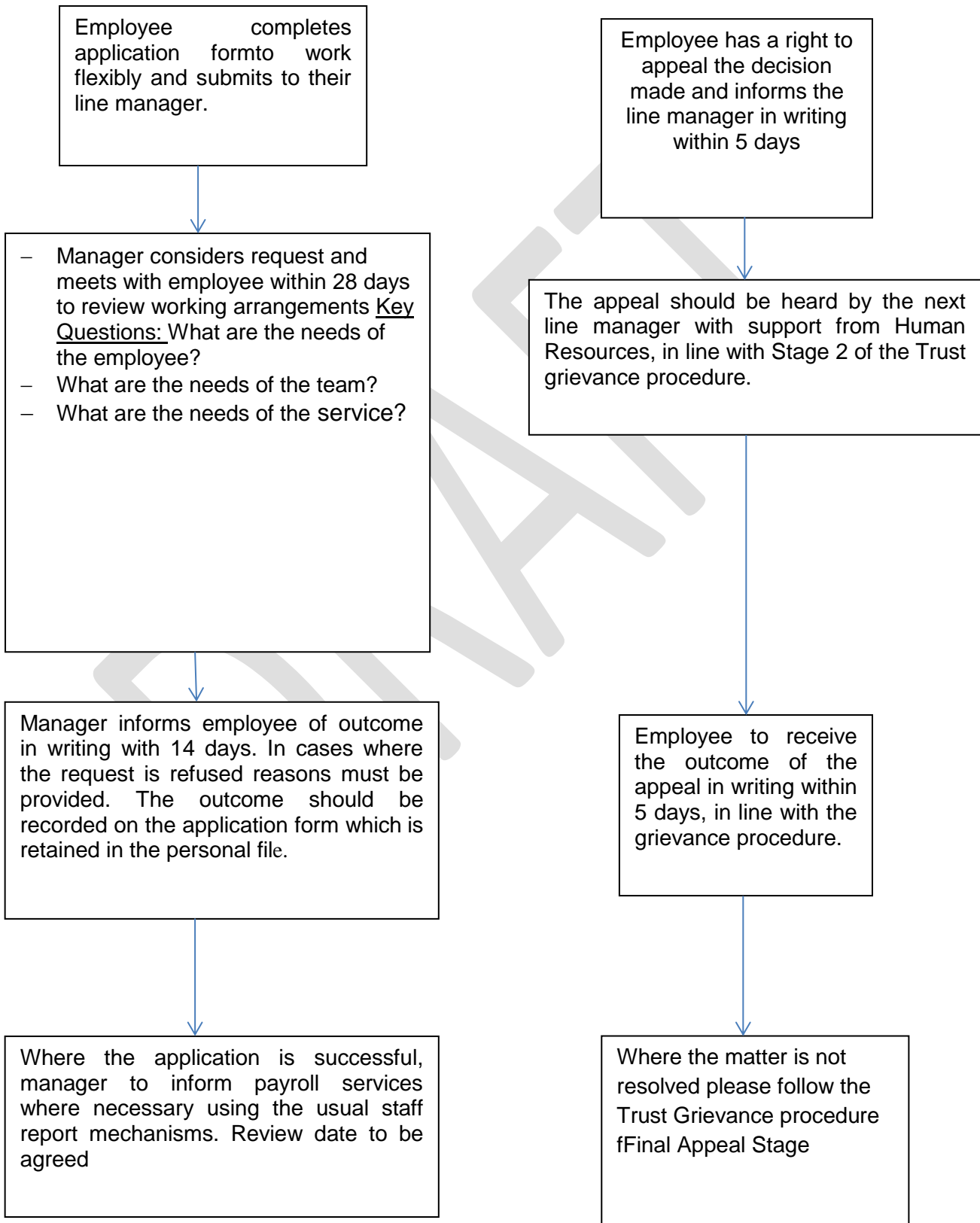
7.5.1. Any condensed hours arrangements will be managed through paragraph 7.2, Flexi Time, which will allow for a maximum of 7.5 hours off in any 4 week period.

7.5.2. Existing condensed hours arrangements will be reviewed with the manager at least every 6 months. No new condensed hours arrangements will be agreed.

DRAFT

PROCEDURE:

IN CASES OF APPEAL:



APPLICATION FOR FLEXIBLE WORKING

Name:		Employee Number:	
Job Title		Hours of work:	
Department		Location:	

I wish to apply for the following flexible working scheme (Please highlight by ticking the appropriate box)

Job Share		Part Time	
Flexi-Time			

Please detail the changes that you are applying for and the date you propose they become effective from:

Please outline any implications you feel may need to be taken into consideration relating to the change to the service you provide:

Signed: **Date:**

LINE MANAGER'S COMMENTS

Application approval recommended:	Yes/No
If approved, recommended commencement date:	
If not recommended, reasons for the decision:	

Signed: **Date**
Manager/Head of Department

Operational Executive Decision

Application approved:	Yes/No
If approved, commencement date:	
If not approved, reasons for the decision:	

Signed..... **Date**.....
Chief Officer

Date employee notified of decision

Date employee notified in writing of the outcome and right of appeal

Copy to: WSYBCSU.HumanResources@nhs.net for Personal File

Appendix 2 Equality Impact Assessment

Title of policy	Flexible Working	
Names and roles of people completing the assessment	Peter Smith, HR Business Partner	
Date assessment started/completed	14.8.2014	14.8.2014

1. Outline	
Give a brief summary of the policy	To provide a process and framework for support to managers and employees who make a request for flexible working and other flexible arrangements to balance the needs of the employee and the needs of the business.
What outcomes do you want to achieve	The policy to comply with statutory requirements and complies with NHS Litigation Authority Standards and best practice.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	Are there any likely impacts? Are any groups going to be affected differently? Please describe.	Are these negative or positive?	What action will be taken to address any negative impacts or enhance positive ones?

Age	No		
Carers	No		
Disability	No		
Sex	No		
Race	No		
Religion or belief	No		
Sexual orientation	No		
Gender reassignment	No		
Pregnancy and maternity	No		
Marriage and civil partnership	No		
Other relevant group	No		
<p>If any negative/positive impacts were identified are they valid, legal and/or justifiable?</p> <p>Please detail.</p>		<p>No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all</p>	

	employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.
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4. Monitoring, Review and Publication

How will you review/monitor the impact and effectiveness of your actions	Will monitor instances where employees are refused or approved applications on an analysis by protected characteristic.		
Lead Officer		Review date:	

5. Sign off

Lead Officer			
Director		Date approved:	

Once complete please forward to your Equality lead