

# Policy No. HR51

## FLEXIBLE WORKING POLICY

All staff have direct roles and responsibilities in the implementation of this policy

- All Trust Staff

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2		
3		
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5	December 2014	Reviewed in line with Trust Policy
6	July 2017	Reviewed at 3 years. Mutually agreed flexible working added. More focus on flexible working as a benefit.

## ***Statement on Trust Policies to be included in all policies***

### **Staff Side and Trade Unions**

The University Hospitals of North Midlands NHS Trust is committed to ensuring that, as far as is reasonably practicable, the way in which we provide services to the public and the way in which we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.

### **Equality and Diversity**

The University Hospitals of North Midlands aims to promote equality and diversity and value the benefits this brings. It is our aim to ensure that all staff feel valued and have a fair and equitable quality of working life.

### **Equality Impact Assessment**

The organisation aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. The Equality Impact Assessment tool is designed to help you consider the needs and assess the impact of your policy.

### **Information Governance**

Any Trust policy which impacts on or involves the use and disclosure of personal information (patient or employee) must make reference to and ensure that the content of the policy is comparable with the relevant statutory or legal requirement and ethical standards

### **Data Protection Bill, General Data Protection Regulations (GDPR) and the NHS Code of Confidentiality**

GDPR replaces the EU Data Protection Directive of 1995 and supersedes the law of member states that were developed in compliance with the Data Protection Directive 95/45/EC. Its purpose is to protect the “right and freedom” of natural persons (i.e. living individuals) and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

Processing includes holding, obtaining, recording, using and disclosing of information and applies to all forms of media, including paper and images. It applies to confidential patient information but is far wider in its scope, e.g. it also covers personal records

While GDPR applies to both patient and employee information, the Confidentiality Code of Practice (COP) applies only to patient information. The COP incorporates the requirements of GDPR and other relevant legislations together with the recommendations of the Caldicott report and medical ethics considerations, in some cases extending statutory requirements and provides detailed specific guidance.

### **Freedom of Information Act 2000**

The Freedom of Information Act 2000 (FOIA) is an Act which makes legal provision and creates a legal gateway and timetable for the disclosure, to the public, of the **majority** of corporate information held (but not necessarily created) by this Trust. The Trust has a legal responsibility to proactively provide a large amount of information to the public and to pro-actively respond to specific requests for information. Information will not be disclosed when the Trust can claim legal exemption. Any non-disclosure must be conveyed in writing; quoting the relevant exemption together with signposting to internal and external methods of complaint. Locally, guidance on the DPA, FOIA and COP can be obtained from the Information Governance Manager or the Caldicott Guardian.

### **Mental Capacity Act**

Any Trust policy which may affect a person who may lack capacity should comply with the requirements of the Mental Capacity Act 2005 (MCA)

The MCA and its associated Code of Practice provides the framework for making decisions on behalf of individuals who lack the mental capacity to do these acts or make these decisions for themselves. Everyone

working with and/or caring for adults who lack capacity, whether they are dealing with everyday matters or life-changing events in the lives of people who lack capacity must comply with the Act.

In a day to day context mental capacity includes making decisions or taking actions affecting daily life – when to get up, what to wear, what to eat etc. In a legal context it refers to a person's ability to do something, including making a decision, which may have legal consequences for the person lacking capacity, or for other people.

The Code provides guidance to all those working with and/or caring for adults who lack capacity, including family members, professionals and carers. It describes their responsibilities when acting or making decisions with, or on behalf of, individuals who lack the capacity to do this for themselves. In particular, it focuses on those who will have a duty of care to a person lacking capacity and explains how the legal rules set out in the Act will work in practice.

### **The Health Act: Code of Practice for the Prevention and Control of Health Care Associated Infections**

The purpose of the Code is to help NHS bodies plan and implement how they can prevent and control HCAI. It sets out criteria by which managers of NHS organisations are to ensure that patients are cared for in a clean, safe environment, where the risk of HCAI is kept as low as possible. Failure to observe the Code may either result in an Improvement Notice being issued by the Care Quality Commission, or in the Trust being reported for significant failings and placed on 'Special Measures'.

The Code relates to healthcare provided by all NHS bodies. Each NHS body is expected to have systems in place sufficient to comply with the relevant provisions of the Code, so as to minimise the risk of HCAI to patients, staff and visitors.

The Trust Board must have an agreement outlining its collective responsibility for minimising the risks of infection and the general means by which it prevents and controls such risks.

Effective prevention and control of HCAI must be embedded into everyday practice and applied consistently by all staff.

### **Human Rights**

The Trust is committed to the principles contained in the Human Rights Act. We aim to ensure that our employment policies protect the rights and interests of our staff and ensure that they are treated in a fair, dignified and equitable way when employed at the Trust.

### **Sustainable Development**

The University Hospitals of North Midlands NHS Trust (UHNM) is committed to demonstrating leadership in sustainability and has a Trust Board approved Sustainable Development Management Plan (SDMP): Our 2020 Vision: Our Sustainable Future which sets out the route to developing a world-class healthcare system that is financially, socially and environmentally sustainable.

There are three 'Key Priorities' to aim for by 2020. With the help of employees, key partners and other stakeholders the trust will embed opportunities to:

1. Reduce our environmental impact, associated carbon emissions and benefit from a healthier environment;
2. Improve the resilience of our services and built environment as a result of severe environmental and climatic changes;
3. Embed sustainable models of care and support our local community to be well-connected, healthy, resilient, independent and managing their lives in a positive way.

The SWITCH campaign is designed to achieve these priorities. It is relevant to all departments and all members of staff. The focus is on using resources sustainably in order to provide better patient care, improve health and our working environment

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## **FLEXIBLE WORKING POLICY**

### **1. Introduction**

1.1. The purpose of this policy is to:

- Inform staff of their right and entitlement to request flexible working and the different forms of flexible working that are available.
- Facilitate provision of a high quality service to patients and other service users by providing a framework for managers to ensure all flexible working applications are treated fairly and equitably.
- Outline the rights and responsibilities of employees and managers.
- Promote the Trust as an employer of choice.
- Allow employees the flexibility to balance their home and working lives.
- Support employees through changing circumstances and life changing events.
- Facilitate discussion between staff and managers to consider flexible working patterns and to find a solution that suits both the needs of individuals and the Trust.

1.2. The Government have published the Flexible Working Regulations 2014.

The Regulations extend the statutory right to request flexible working to all employees with 26 weeks' continuous service under Part 9 of the Children and Families Act 2014 (CFA 2014). In addition, they remove the requirement that the right is only available to parents of children under 17 (18 if the child is disabled) or to carers of adults.

### **2. Statement**

- 2.1. The University Hospitals of North Midlands is committed to being a first class provider of health services and a model employer. Progressive people management results in positive patient outcomes (Department of Health, 2003). To this end, the Trust is committed to meeting legislative requirements, Improving Working Lives principles and Working Longer commitments, and aims to provide employees with the opportunity to balance their work and personal lives wherever practicable.
- 2.2. This policy will allow all Trust employees the right and entitlement to request to work flexibly and to have that request seriously considered by their manager.
- 2.3. In addition to legislative requirements, the Trust is committed to promoting flexible working as a benefit, building flexibility into every job in order to attract and retain a multi-generational workforce.
- 2.4. The Trust acknowledges that flexibility with hours, work pattern and work base can greatly improve work/life balance and support employees with their responsibilities outside of the workplace.
- 2.5. The Trust supports the principle that employees who work non-standard working patterns shall have equal access to training, development and promotion opportunities.
- 2.6. Employees are advised that a change in their working hours may affect their pay, annual leave and pension entitlements.

- 2.7. Successful implementation of flexible working depends on consultation, open communication, and involvement of team members.
- 2.8. Managers will consider how flexibility with hours, work pattern and work base can be built in to every job, prior to advertising.
- 2.9. Prospective employees will be able to discuss preferred working patterns and flexible working options with managers at any time of the recruitment and selection process and not be disadvantaged as a result of this.

### **3. Scope**

- 3.1. This policy will apply to all employees of the Trust, regardless of length of service, except doctors in training. Any doctor in training wishing to undertake a flexible training programme should discuss this with their educational supervisor and the West Midlands Associate Dean for Flexible Working.

### **4. Definition – what is flexible working?**

- 4.1. 'Flexible working' incorporates a wide variety of working practices that are different from standard practice. In many cases, flexible working practices will be individually tailored to suit the needs of the individual and the department.
- 4.2. Changes to working patterns may be permanent or temporary.
- 4.3. It is impossible to describe every example of flexible working and some practices may not be appropriate for every area of the Trust. The more commonly known ways of flexible working are given below as a guide to some options that may be available:
  - annualised hours or minimum hours
  - career break
  - compressed hours
  - flexi-time
  - flexible retirement
  - home working
  - job sharing
  - part-time working
  - personalised annual leave
  - team based self rostering
  - term time working
  - unpaid leave
  - variable time working
- 4.4. Divisional Human Resources teams are available to provide advice and support in developing flexible working practices.

### **5. Rights and responsibilities**

5.1. Application of the policy

- 5.1.1. Flexible working principles will be incorporated into the recruitment and selection procedure and the Trust's commitment to flexible working included in all job advertisements.
- 5.1.2. Candidates for employment at the Trust will be able to discuss their preferred working patterns with managers at any point in the selection process and not be disadvantaged as a result.
- 5.1.3. All posts should be considered for flexible working unless there is a clear, demonstrable operational reason why this is not practicable.
- 5.1.4. Staff will have the right to request flexible working arrangements and to have such requests considered seriously within the timescales.
- 5.1.5. There is a requirement to consider flexible working options as part of the Trust's duty to make reasonable adjustments for disabled staff under the Equality Act 2010 and staff returning from maternity leave.
- 5.1.6. Managers and employees may suggest a mutually agreed flexible working arrangement when it is deemed that this would be beneficial to an employee's personal circumstances or in line with service needs. No change to working pattern or hours will be enforced without agreement or consultation. For changes proposed by the manager that are not mutually agreed, please refer to the Organisational Change Policy (HR04).
- 5.1.7. Requests for flexible working should only be rejected on specific service-related grounds (A.1.2.3) where it can be demonstrated that all options have been considered and that granting the request is likely to have a detrimental effect on the service provided to patients or to staff.
- 5.1.8. There is no automatic entitlement for staff to change their working arrangement; however, all possibilities will be explored before a decision is made.
- 5.1.9. Only one statutory request can be made in a 12 month period. Where an individual is able to demonstrate that there has been an unforeseen and significant change in their circumstances, further applications may be accepted. This will apply whether or not the statutory request was successful.
- 5.1.10. Both manager and the employee must consider the effect of their change in working pattern upon the employee's own health, safety and wellbeing and that of patients and colleagues.
- 5.1.11. This policy should be considered in conjunction with the following Trust Policies and Procedures:
  - Trust Disciplinary Policy and Procedure (HR01)
  - Dignity at Work Policy and Procedure (HR02)
  - Grievances and Disputes Policy and Procedure (HR03)

- Recruitment and Selection Policy (HR08)
- Parental and Maternity Policy (HR11)
- Equality and Diversity Policy (HR12)
- Sickness Absence Management Policy and Procedure (HR14)
- Job Sharing Policy and Procedure (HR27)
- Employment Break Scheme (HR28)
- Emotional Wellbeing and Mental Health Policy (HR38)
- Job Planning Policy for Consultant and Associate Specialists/Speciality Doctors (HR45)
- Trust Policy for Duty Rota Administration and Staff Rostering (C17)

## 5.2. Employees' rights

- 5.2.1. To request a flexible working arrangement.
- 5.2.2. To have their request considered properly in accordance with this policy and procedure.
- 5.2.3. To be accompanied at meetings by a staff side representative or a colleague not acting in a legal capacity.
- 5.2.4. To have a written explanation in the event of their request being refused.
- 5.2.5. To instigate the Trust's Grievance Procedure if dissatisfied with any decision made in respect of their flexible working request.
- 5.2.6. Not to suffer a detriment for making a request under the right.

## 5.3. Employees' responsibilities

- 5.3.1. To carefully consider the effect their preferred working pattern will have upon: Patients and other service users, the Trust/Division/individual members of staff and the team in which they work.
- 5.3.2. To ensure their request is valid by checking that all necessary information has been provided in their application.
- 5.3.3. To submit a carefully thought out and fully completed application form to their line manager.
- 5.3.4. To be prepared to discuss their desired working pattern with other members of their team if their desired working pattern has implications for the team or colleagues.
- 5.3.5. To ensure the request is made well in advance of the date they wish it to commence unless extenuating circumstances necessitate urgent consideration.
- 5.3.6. To attend meetings and be prepared to discuss their request in an open and constructive way.

- 5.3.7. To be prepared to be flexible themselves in order to reach an agreement with the employer.
- 5.3.8. To consider whether a mutually agreed flexible working arrangement or reduced working hours may be appropriate following major life changing events, ill health or in line with service needs.

#### 5.4. Managers' rights

- 5.4.1. To reject an application when the employee's desired working pattern cannot be accommodated within the service and business needs of the Trust.
- 5.4.2. To consider an application withdrawn in certain circumstances.
- 5.4.3. To seek an employee's agreement to extend timescales where it is appropriate.

#### 5.5. Managers' responsibilities

- 5.5.1. To build flexibility in to all job roles, in order to promote flexible working as an employee benefit.
- 5.5.2. To ensure a high quality service to patients and service users by proactively planning for flexible working. To achieve this, managers must understand required staffing levels and skill mix required in order to create a clear framework within which flexible working can be accommodated.
- 5.5.3. To ensure that staff are made aware of this policy and take a pro-active approach in promoting flexible working.
- 5.5.4. Managers should actively encourage staff to consider whether flexible working arrangements or reduced working hours may be appropriate following major life changing events, ill health or in line with service need.
- 5.5.5. To avoid any misunderstandings, managers should brief other team members and discuss any impact of the flexible working request, before agreeing the flexible working application.
- 5.5.6. To seriously consider a request under the service-related criteria given in paragraph A1.2.3.
- 5.5.7. To adhere to the process and timescales stated in this policy. Where, for extenuating reasons, this is not possible, the applicant must be provided with a timely explanation.
- 5.5.8. To provide the applicant with appropriate support and information during the course of the application.
- 5.5.9. To only decline a request where there are specific service-related grounds (see paragraph A1.2.3) and to explain the reasons in writing to the applicant.

- 5.5.10. To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing.
- 5.5.11. To ensure that the employee does not suffer a detriment for making a request under the right.
- 5.5.12. To notify the Divisional Human Resources Team of any flexible working requests.

## **6. Education and training**

- 6.1. No formal training is required, however support and advice is available from Divisional Human Resources teams.

## **7. Monitoring and review**

- 7.1. This policy will be reviewed in 3 years or following legislative changes whichever occurs first, by the Human Resources team.
- 7.2. Requests and outcomes, where notified, will be monitored annually, by Human Resources.
- 7.3. Monitoring of applications and outcomes from managers and applicants will be recorded and kept for a minimum of one year.

## **A1 FLEXIBLE WORKING PROCEDURE**

Employees can only make one statutory request every 12 months. Additional applications may be accepted in exceptional circumstances.

### **A1.1 Making a flexible working application**

A1.1.1 Applications for flexible working must be made in writing.

A1.1.2 Applicants will be expected to provide a carefully thought out application. This will enable the manager to give serious consideration to the application.

A1.1.3 Applicants (including employees on maternity leave) are also advised that the process could take up to 14 weeks to complete (if there is recourse to an appeal) and, therefore, should aim to submit applications with sufficient notice to take account of this.

A1.1.4 The applicant must state:

- a) Their current working pattern;
- b) The desired working pattern;
- c) Whether they wish the change to be temporary or permanent;
- d) The date they wish this working pattern to commence and, if they wish a temporary change, the date they wish this to end;
- e) How the service they provide may be affected by the desired working pattern;
- f) The likely impact on their colleagues and team;
- g) How the impact of points b)-f) above could be overcome.

### **A1.2 Considering an application**

A1.2.1 Upon receipt of an application the applicant's line manager should:

- a) Acknowledge the application;
- b) Arrange to meet with the applicant within 28 days. If, for extenuating reasons, this is not possible then the line manager must notify the applicant at the earliest opportunity providing an explanation for the delay.
- c) Inform the member of staff that they may be accompanied at the meeting by a staff side representative or a colleague not acting in legal capacity.
- d) Assess the application against the service-related criteria given in paragraph A1.2.3 prior to meeting with the individual.
- e) Prepare for the meeting. For example:
  - Make a list or draft an agenda of the issue they want to discuss at the meeting.
  - Ask other team members if they would want to cover any extra hours that may be created as a result of granting a request.
  - Familiarise themselves with this guidance and different types of flexible working.

A1.2.2 The purpose of the meeting is to discuss openly the application to gain a mutual understanding. Both the manager and the applicant should be prepared to be flexible. This will allow for alternative options to be discussed if the requested pattern cannot be accommodated. The service-related criteria given below must form the basis of discussion.

A.1.2.3 All applications will be considered against the following service-related criteria:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on patient care
- insufficient work for the periods the employee proposes to work
- a planned structural change to the Trust

A1.2.4 Following the meeting, managers should notify the employee of their decision in writing within 14 days of this meeting.

A1.2.5 If an application is rejected an employee has 14 days to appeal in writing after the date of notification of their manager's decision. The appeal will be to the manager's manager.

A1.2.6 In the event of the applicant failing to attend the meeting without notification they should contact their line manager to explain their absence and to arrange another mutually convenient time to meet. Should the applicant fail to attend the second meeting the line manager may consider the application has been withdrawn and the applicant will not be eligible to re-apply for a further 12 months.

A1.2.7 Managers may not be able to accommodate a number of requests made at any one time without a detrimental effect on the service. In such cases, applications may have to be prioritised appropriately.

A1.2.8 Managers should also be aware of the Equality Act 2010 when considering a request.

### **A1.3 A flexible working request is accepted**

A1.3.1 The manager must confirm that the Flexible Working Application has been accepted stating:

- A description of the new working pattern.
- Whether it is a permanent or temporary change. If temporary the period of the change must be stated.
- The date from which the new working pattern will take effect.

A1.3.2 Where a request is accepted as a permanent change to the individual's contractual terms and conditions, the applicant has no automatic right to revert back to their original working pattern.

A1.3.3 A request may be agreed for a temporary or fixed term basis provided the reason for the temporary fixed term nature is confirmed in writing, and an end date and a review period are agreed where appropriate.

A1.3.4 Where a temporary or fixed term change was requested, the applicant has the right to revert to their original working pattern or an alternative pattern may be mutually agreed. In these circumstances the decision must be confirmed in writing within 14 days and the manager's decision based on service-related grounds (see paragraph A.1.2.3). The decision must be confirmed in writing within 14 days.

A1.3.5 Where the applicant requested a permanent change and the manager was unable to agree a permanent change against the service-related criteria in paragraph A1.2.3, but did agree to a trial period, a review meeting must take place. At the meeting discussion of the impact of the flexible working application should take place and be based on service-related criteria in paragraph A1.2.3.

A1.3.6 Where the permanent application cannot be supported on service-related grounds, the individual has the right to revert to their original working pattern or an alternative pattern may be mutually agreed. The decision must be confirmed in writing within 14 days of the meeting.

A1.3.7 Where the new arrangements result in a change in working hours and/or establishment for the post, the manager must complete the appropriate payroll notification and establishment change forms.

#### **A1.4 A flexible working request is refused**

A1.4.1 An application must only be refused on service-related grounds as indicated in paragraph A1.2.3.

A1.4.2 The manager will confirm rejection in writing stating:

- The service-related grounds for refusing the application.
- Give sufficient explanation why these service-related grounds apply in the circumstances.
- The explanation must include relevant and accurate facts, and should not be overly complex or unnecessarily long. Where a manager has developed a framework which states the required staffing levels and skill mix required within which flexible working can be accommodated this may form part of the explanation.
- State the applicant's right to appeal.

#### **A1.5 Extension of timescales when considering applications**

A1.5.1 Should line managers need more time to consider an application, they must obtain the agreement of the member of staff for an extension to the 28 day time limit to meet. The applicant should be flexible in agreeing to this, if this is to allow their line manager more time to look into the implications of the flexible working request. The agreement should be confirmed in writing.

#### **A1.6 Withdrawn applications**

A1.6.1 The manager must write to the employee in all instances where applications are withdrawn. There are 3 reasons why an application may be treated as withdrawn:

i. Employee decides to withdraw the application

An employee who withdraws their statutory request will not be eligible to make another statutory request for 12 months from the date of their application. They must withdraw their Flexible Working request in writing.

ii. Employee fails to attend two meetings

Where an employee fails to attend two meetings without providing a reasonable explanation, their application will be considered to be withdrawn. The manager must:

- Seek advice from Human Resources in this instance.
- Advise the employee that the application is considered to have been withdrawn within 7 days of the scheduled meeting.

iii. Employee refuses to provide the required information

There may be occasions when a manager considering a request requires more information to enable them to make a decision. If an employee refuses to provide this information then their application may be considered to be withdrawn. The manager must:

- Seek advice from Human Resources in this instance.
- Advise the employee that the application is considered to have been withdrawn.

### **A.1.7 Appeals**

A1.7.1 The applicant may appeal against the decision by writing to the manager's manager within 14 days of their original application, stating the grounds for appeal being refused. An explanation of why they feel the refusal was unfair should be given to enable proper consideration of their appeal.

A1.7.2 The manager must meet with the applicant within 14 days after receiving notification of an appeal. The applicant may be accompanied by a staff side representative or a colleague not acting in a legal capacity.

A1.7.3 A decision of the outcome of the appeal will be confirmed to the applicant within 14 days of the meeting.

A1.7.4 If an appeal is upheld the written decision must:

- Include a description of the new working pattern.
- State the date from which the new working pattern is to take effect.
- Be dated.

A1.7.5 If an appeal is dismissed the written decision must:

- State the grounds for the decision. These will be appropriate to employee's own grounds for making the appeal.
- Provide an explanation as to why the grounds for refusal apply in the circumstances.
- Be dated.

A1.7.6 Where an employee fails to attend the appeal hearing, s/he must contact the manager to explain their absence. The manager will rearrange the appeal meeting at the next mutually convenient time, within 28 days.

A1.7.7 Where an employee fails to attend the second appeal meeting, the flexible working application will be considered withdrawn, except in extenuating circumstances. It must be confirmed to the applicant in writing that the application is considered to be withdrawn within 7 days of the scheduled meeting.

A1.7.8 Applicants who feel aggrieved following the Appeal have recourse to proceed with their grievance from Stage 2 of the Trust's Grievance and Disputes Procedure (Policy HR03).

**FLEXIBLE WORKING APPLICATION FORM**

Introducing flexible/reduced hours working requires consultation, open communication and the involvement of all team members. Your line manager will, therefore, wish to discuss your application with you. Please ensure all sections of this application form are completed before passing to your manager for consideration.

Personal Details			
<b>Name:</b>		<b>Assignment Num:</b>	
<b>Ward/ Department:</b>		<b>Directorate:</b>	
<b>Division:</b>		<b>UHNM start date:</b>	
Current Working Pattern			
<b>Contracted hours per week:</b>			
<b>Description of days/times/shifts:</b>			
Requested Working Pattern			
<b>Contracted hours per week:</b>			
<b>Description of days/times/shifts:</b>			
<b>Please describe how you think this change in working pattern will affect the area in which you and your colleagues work:</b>			
<b>Please state how the effects in 3 above can be dealt with:</b>			
<b>Have you made a previous statutory request in the past 12 months?</b>	Yes	No	
<b>If yes, please provide an explanation the extenuating circumstances for this further application?</b>			
Declaration			
<b>Signature:</b>		<b>Date:</b>	

Please use additional paper if required.

**Points to consider when making an application**

- A2.1 A new working pattern will normally be a permanent change unless otherwise agreed. Think carefully about your request as you have no right to revert back to your former hours/pattern of work.
- A2.2 Think about the date you would like your new working pattern to begin. Be aware that the process can take up to 14 weeks to complete and sometimes longer where a problem arises.
- A2.3 Take time to consider how your colleagues will manage if your working pattern is changed and discuss with them any implications your application has for them.
- A2.4 If you request a flexible working pattern that results in you working fewer hours, your pay and annual leave entitlement will reduce too.
- A2.5 It is to your advantage to provide as much detail as possible about the pattern you would like to work.
- A2.6 Think about what affect your flexible working pattern will have on your job. Your application should show that your plans will not harm service provision, and may in fact enhance it. It may mean that you are able to provide extra cover at peak hours, which improves patient care.
- A2.7 Once the application is complete immediately submit to your manager. Make sure you submit your application to the right person. If s/he is absent it may be necessary to submit it to a different manager.
- A2.8 The more notice you provide your manager the more likely they will be able to implement the change when it suits you.
- A2.9 If you are due to go on maternity leave think carefully about when to make your request. Bear in mind that you may need to attend meetings with your employer so that your request can be properly considered. If you want the changes to start on your return from maternity leave you should make your application in good time.
- A2.10 Be prepared to expand on any points within your application at the meeting with your manager and familiarise yourself with the Flexible Working Policy and Procedure so that you understand your own and your manager's responsibilities.

## CONFIRMATION OF RECEIPT OF REQUEST TO WORK FLEXIBLY

### Note to the manager

Please see sample wording below for you to use to confirm receipt of the flexible working request.

Please use your letter headed paper.

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Dear **NAME**

I confirm that I have received your request to change your working pattern and I shall be arranging to meet with you within 28 days to discuss this. You are entitled to be accompanied at this meeting by a staff side representative or a colleague not acting in a legal capacity.

At the meeting, we will discuss your request in detail and you should be prepared to expand on any points within your request.

If you haven't already, please familiarise yourself with the Flexible Working Policy and Procedure so that you understand the responsibilities.

Yours sincerely

**NAME OF MANAGER**

**JOB TITLE OF MANAGER**

## FLEXIBLE WORKING REQUEST HAS BEEN ACCEPTED

### Note to the line manager

You must write to your employee within 14 days following the meeting with your decision.

Please see sample wording below for you to use to generate a letter to your member of staff.

Please use your letter headed paper.

---

Dear **NAME**

Following receipt of your flexible working application and our meeting on **DATE** I have seriously considered your request and I am pleased to confirm that I am able to accommodate your application.

We have agreed that your new working pattern will be **DESCRIBE WORK PATTERN**.

Your new working arrangements will commence on **DATE**.

*Insert if the arrangements are permanent:* Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

*Insert if the arrangements are temporary:* Your new working arrangements will cease on **DATE** when you will revert back to your current contracted working pattern.

If you have any questions regarding the above please do not hesitate to discuss with me as soon as possible.

Yours sincerely

**NAME OF MANAGER**

**JOB TITLE OF MANAGER**

## FLEXIBLE WORKING REQUEST HAS BEEN REJECTED

### Note to the line manager

You must write to your employee within 14 days following the meeting with your decision. Before making this decision you must ensure that full consideration has been given to the application. You must state the service-related ground(s) (paragraph A.1.2.3) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) apply in the circumstances.

Please see sample wording below for you to use to generate a letter for your member of staff.

Please use your letter headed paper.

---

Dear **NAME**

Following receipt of your application and our meeting on **DATE** I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following service-related grounds: *Pick from list.*

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on patient care
- insufficient work for the periods the employee proposes to work
- a planned structural change to the Trust

The grounds apply in the circumstances because **GIVE REASONS**.

If you are unhappy with the decision you may appeal against it by writing to **NAME OF LINE MANAGER'S MANAGER, JOB TITLE OF LINE MANAGER'S MANAGER**, within 14 days of the date of this letter. In this letter you must state the grounds on which your appeal is based.

Yours sincerely

**NAME OF LINE MANAGER**

**JOB TITLE OF LINE MANAGER**

## RESPONSE TO AN APPEAL AGAINST A FLEXIBLE WORKING REQUEST REJECTION

### Note to the appeal manager

You must inform the employee giving notice of your decision within 14 days after the meeting at which you both discussed the appeal. If you decide to turn down the appeal you must state the grounds for refusal. (Please refer to Paragraph A.1.2.3 in the Trust's Flexible Working Policy)

Please see sample wording below for you to use to generate a letter for your member of staff.

Please use your letter headed paper.

---

Dear **NAME**

Following our meeting on **DATE** I have considered your appeal against the decision to refuse your application to work a flexible pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern. Your working pattern has been agreed as **GIVE DETAILS**.

Your new working arrangements begin from **DATE**.

*Insert if the arrangements are permanent: Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.*

*Insert if the arrangements are temporary: Your new working arrangements will cease on **DATE** when you will revert back to your current contracted working pattern.*

Yours sincerely

**APPEAL MANAGER NAME**

**APPEAL MANAGER JOB TITLE**

**OR**

Dear **NAME**

Following our meeting on **DATE** I have considered your appeal against the decision to refuse your application to work a flexible pattern.

I have rejected your appeal on the following service-related grounds: *Pick from list.*

- **the burden of additional costs**

- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on patient care
- insufficient work for the periods the employee proposes to work
- a planned structural change to the Trust

These grounds apply in these circumstances because **GIVE REASONS**.

If you are dissatisfied with this decision you may raise a grievance from Stage 2 of the Trust's Grievance and Disputes Policy and Procedure (HR03).

Yours sincerely

**APPEAL MANAGER NAME**

**APPEAL MANAGER JOB TITLE**

## FLEXIBLE WORKING NOTICE OF WITHDRAWAL (EMPLOYEE)

### Note to the employee

You must notify your line manager that you wish to withdraw your application to work flexibly. Once you have withdrawn your statutory request you will not be able to make another statutory request until 12 months from the date your original statutory request was made.

Please see a form of words below you can use to advise your line manager of your withdrawal.

---

Dear **NAME**

I wish to withdraw my request to work flexibly which I submitted to you on **DATE**. I understand that I will not be able to make another statutory request for Flexible Working until 12 months after the above date.

Yours sincerely

**NAME**

## CONFIRMATION OF WITHDRAWAL OF FLEXIBLE WORKING APPLICATION

### Note to the manager

Once your employee has told you that they wish to withdraw the application and return it to you, you are not required to give it further consideration. Please see a form of words below you can use to generate a confirmation letter to your staff member.

This should be sent within 7 days of receiving the withdrawal.

Please use your letter headed paper.

---

Dear **NAME**

I confirm that I have received notice that you wish to withdraw your flexible working request dated **DATE**, and that you understand you will not be eligible to submit another statutory Flexible Working request until 12 months after the above date.

Yours sincerely

**NAME OF LINE MANAGER**

**JOB TITLE OF LINE MANAGER**

## **FLEXIBLE WORKING NOTICE OF WITHDRAWAL (MANAGER)**

There are 2 occasions where a manager may make the decision to consider a Flexible Working Application has been withdrawn.

1. Employee fails to attend two meetings.

Where an employee fails to attend two meetings without providing a reasonable explanation.

2. Employee refuses to provide the required information.

There may be occasions when a manager considering a request requires more information to enable them to make a decision. If an employee refuses to provide this information then their application may be considered to be withdrawn.

Please see below the forms of words you can use to generate a letter to your staff member to inform them that you have considered their application to be withdrawn and that they will not normally be able to make another application until 12 months from the date of their original application.

Please use your letter headed paper.

---

Dear **NAME**

I am writing to inform you that I have made the decision that your Flexible Working Application has been withdrawn on the following grounds.

- You have failed to attend two meetings without providing a reasonable explanation.
- You have refused to provide the required information.

### **GIVE SPECIFIC DETAILS.**

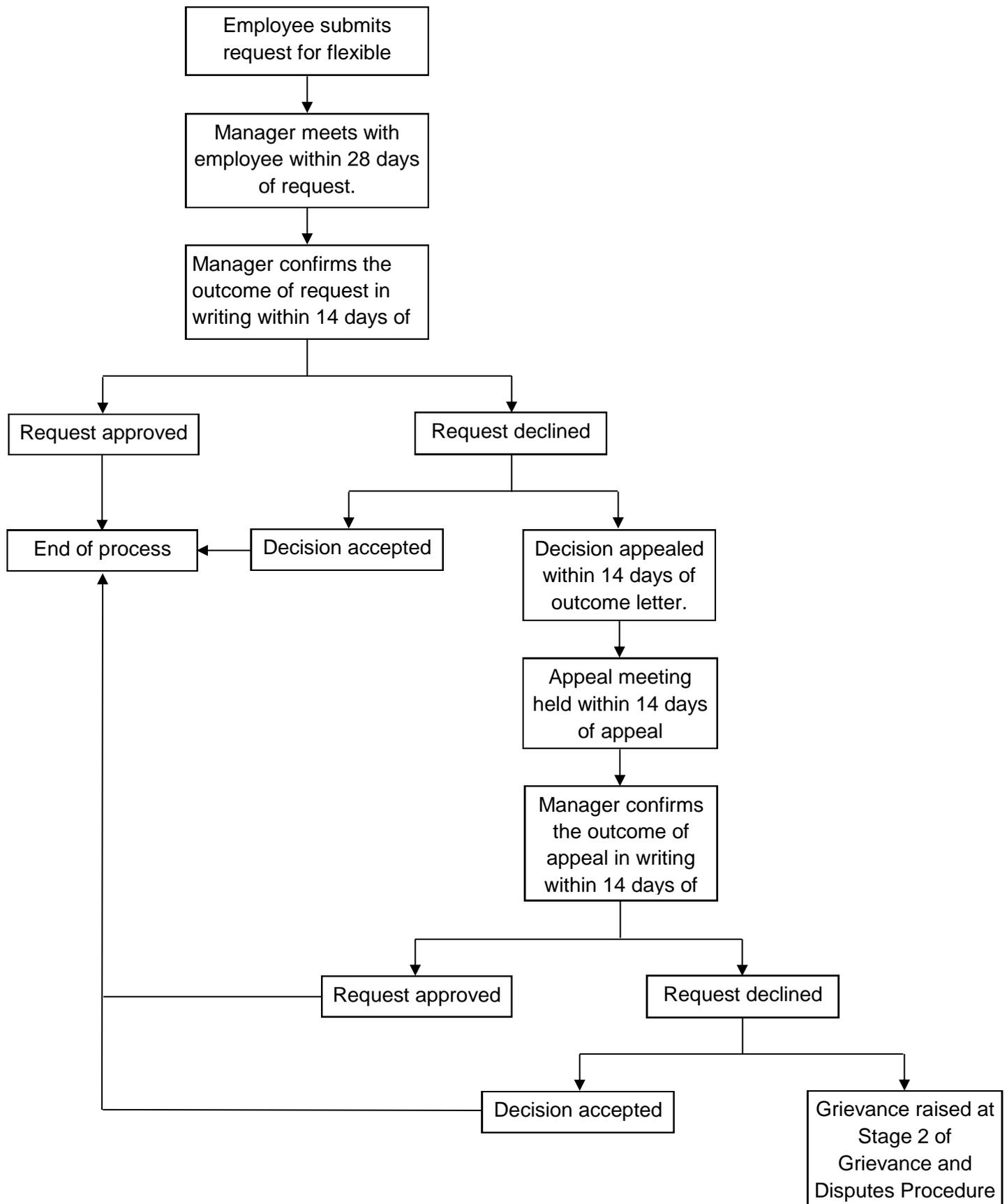
You will not normally be able to make another statutory Flexible Working request until 12 months after the date your original statutory request was submitted.

Yours sincerely

**NAME OF LINE MANAGER**

**JOB TITLE OF LINE MANAGER**

**FLOW CHART DEPICTING TIMESCALES OF FLEXIBLE WORKING APPLICATION PROCESS**



**Policy approval**

I have reviewed and approve this policy in line with the Trust's formal governance process on the basis that this was ratified at the Trust Joint Negotiating & Consultative Committee (TJNCC) 21<sup>st</sup> September 2017:

**Signatures**

Signed (Staff side representative): \_\_\_\_\_

Name printed: \_\_\_\_\_

Role: \_\_\_\_\_

Date: \_\_\_\_\_

Signed (Management side representative): \_\_\_\_\_

Name printed: \_\_\_\_\_

Role: \_\_\_\_\_

Date: \_\_\_\_\_

Please note that this policy is subject to further compliance review and there may be further minor changes that will not affect the material content of the policy ratified at TJNCC. These changes will be referenced in the version control section of this policy.