

Flexible Working Procedure

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1. Introduction

- 1.1 University Hospitals Birmingham NHS Foundation Trust (“The Trust”) is committed to improving the quality of working lives of all staff. Flexible working is one of the key ways to achieving a better work-life balance and is central to the NHS People Plan. A flexible, caring health service which can accommodate all the different aspirations of a work-life balance will create an improved blend of skills and experience as a result.
- 1.2 There are various options which enable staff to alter and improve their work-life balance. These options can also give the Trust more scope and flexibility in arranging staffing for the changing demands of a 24 hour, 7-day a week service.
- 1.3 This procedure provides an outline of various flexible working options which will provide staff with an opportunity for a more effective work-life balance. The opportunity to apply for flexible working is open to all staff.
- 1.4 All flexible working practices will be determined by mutual agreement between the manager and staff member, and must balance the needs of the staff member against the needs of the service and patient care.
- 1.5 The examples outlined are subject in practice to the concept of reasonableness and the need to maintain the service. It must be recognised that not all practices are suitable for all jobs. However, other innovative ideas may be considered if appropriate.

2. Benefits

- 2.1 Possible benefits to the Trust from introducing an improved work-life balance include:
 - Improved recruitment and retention;
 - Higher staff motivation and commitment;
 - Improved productivity;
 - Increased flexibility;
 - Reduction in use of external temporary staffing;
 - Reduction in sporadic sickness absence levels.
- 2.2 Possible personal benefits for staff include:
 - Meeting caring responsibilities;
 - Supporting ongoing health issues;
 - Increased job satisfaction;
 - Increased leisure time;
 - More time to spend with family;
 - More study time for personal or work-related courses; and/or

- Reduced stress due to better time management

3. Considerations

3.1 A member of staff may request to change an existing working pattern or following an organisational change. In either case the manager should test the request against a range of criteria asking the following questions;

- a. Will this help with staff morale/retention?
- b. Will this impact on service provision?
- c. Will a minor adjustment to existing arrangements, such as a different start or finish time meet the needs of the member of staff?
- d. If the hours for one member of staff are reduced, how will the extra work/hours be covered?
- e. Will this include other staff being given the opportunity to adjust their hours?
- f. Does it comply with the Working Time Regulations?
- g. What are the implications for a different start/finish time or extended working day?
- h. What are the implications if the request is refused? (If refused, what is the justification?)
- i. Will this create a precedent for other staff requests?

4. Principles

Managers and staff should bear in mind the following principles when considering a request for flexible working arrangements:

- a. The Trust will be as accommodating as is practicable in responding to requests;
- b. Service delivery, clinical standards, health and safety, and legislative requirements must not be compromised as a result of the request being granted;
- c. Staff should be mindful of their colleagues when requesting flexible working. A flexible arrangement for one person should not be to the detriment of others. Managers will have to determine if the flexible working request will be detrimental to other team members and this may require the manager discussing the request with the team. This should only be done with the consent of the staff member making the request;
- d. Contractual changes to terms and conditions of employment, within the scope of this procedure, can only be agreed following careful consideration of the implications and an understanding of the staff member's circumstances;

- e. Pay and benefits will be adjusted on a pro-rata basis to reflect changes in the hours worked, and the effects of the proposed changes must be fully explained and agreed with the staff member. The staff member is encouraged to seek financial advice including any effect on their pension, before agreeing to any changes; and
- f. Requests will be handled in fair and consistent way.

5. Requirements

Members of staff are able to request flexible working opportunities at any stage of their employment. However:

- 5.1 It is the responsibility of managers to ensure the provision of adequate cover and service provision at all times; managers can therefore request a review of the arrangement.
- 5.2 As part of the discussion, managers must build opportunities for team communication, training and development within any flexible working agreement.
- 5.3 Both staff and managers must be aware of and take into account the requirements under the Working Time Regulations and relevant Health and Safety regulations.
- 5.4 Where health and safety issues are identified, agreed action to mitigate these must be taken before the new working arrangements come into force.
- 5.5 Any approved flexible working requests will be subject to an initial review period at a time agreed between the manager and the member of staff, for example at 3 months. This timeframe must be agreed before the new working pattern is commenced. At the end of the review period, a discussion will take place between the manager and member of staff:
 - 5.5.1 to either confirm that the arrangements are working well and can continue (either indefinitely or for an agreed period of time);
 - 5.5.2 to discuss and confirm any changes;
 - 5.5.3 in exceptional circumstances to discontinue the arrangement if this is proven to have had a detrimental impact on service delivery and/or team members. Managers will need to be able to explain and/or evidence why the arrangement is not working. Consideration should be given as to whether HR and a Trade Union representative are required as part of this discussion;

- 5.5.4 An agreement for flexible working that changes contractual working hours will affect pay and therefore a HR2 form (plus a Workforce Approval Form) (for a pay increase) or HR2a form (for pay decrease or annualised hours arrangement) must be completed on Finance Tools prior to payroll cut-off for staff based at the Queen Elizabeth. For staff based at Heartlands, Good Hope or Solihull hospital an electronic ESR2 form needs to be completed and sent to payroll.

6. Examples of flexible working practices

6.1 Job Share

- 6.1.1 A Job Share is where two or more staff members voluntarily share the duties and responsibilities of a full-time post, sharing pay, annual leave and other benefits accordingly. The split of the duties will depend on the split of hours i.e. if the role is split at 18.5 hours (50% each) then the duties will be 50% each.
- 6.1.2 For a job share, the parties must cover the hours and duties of the full time or part-time post in their entirety.

6.2 Part-time working

A part-time worker is any worker who works less than full-time hours. The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 stipulate that part-time workers will receive, on a pro-rata basis, the same contractual terms as full-time workers. Salary and benefits are determined on a pro-rata basis, according to hours worked.

6.3 Variable Working Time

- 6.3.1 This is a special form of working whereby staff may either reduce or increase their normal hours of work by an agreed amount for an agreed period of time, without having to make a permanent change to their contractual working hours. This type of arrangement may be useful to either :
- a. Assist a staff member who for a temporary period of time needs to deal with changed personal commitments; and/or
 - b. Enable staff to respond to a manager's need to cover a short-term peak work period.
- 6.3.2 Pay and leave entitlement are amended accordingly during this temporary period unless it is agreed that the member of staff will work a variety of hours over a number of weeks, but will still have worked the contractual hours over the time period. Records of

working hours should be kept and should be audited weekly unless agreed otherwise to ensure that members of staff do not owe hours that they will be unable to work back.

6.4 Term Time Working

6.4.1 Term time working enables staff to work during school term periods only and to have blocks of time off work during some or all school holiday periods. Their annual leave and bank holiday entitlement is factored in to calculating their pay. The member of staff receives the same monthly pay. When any term time agreement is arranged the employment is deemed continuous. Staff may request to take leave for all school holidays, including half-terms or just specific breaks.

6.4.2 For information on how to calculate term-time working please contact the Human Resources Department.

6.5 Flexitime

Flexitime means that staff would work their standard hours over a week, but are not completely confined to specific work times. Start/finish times can be flexible to suit the needs of the staff member, within service requirements, but staff are expected to work during core periods; these will be agreed by the department dependent on service hours. Some flexitime schemes may also allow for specified credit to be carried over to the next time period. Pay would normally not be affected with this option.

6.6 Compressed Hours

Application for compressed hours means staff are permitted to work their contractual hours over a shorter week or fortnight. Contracted hours must still be worked but can be distributed over fewer days. Similar opportunities should also be afforded to part-time workers.

6.7 Annualised Hours

6.7.1 The aim of annualised hours is to achieve a better match between supply and demand for staff by distributing hours across the year, worked to coincide with actual levels of need. This provides flexibility for members of staff and the service.

6.7.2 The traditional weekly based contracted hours are expressed over a full year worked in blocks of time to meet the needs of the Trust and the member of staff. It is calculated as follows:

No. of hours per working week x 52.143 weeks in the year, less annual leave and bank holidays = Net Working Time

6.7.3 All other time is non-working time and is not defined by annual leave etc. Hours are worked by arrangement over the full year and can be static or varied from day to day or week to week or even seasonally, by mutual consent. The member of staff can be paid a regular monthly salary or choose to be paid per hours worked on a month to month basis by filling in weekly time sheets.

6.8 Home Working

6.8.1 An agreement may be made with a Manager for a member of staff to work from home, either short term, ad-hoc or regularly, depending on the type of post.

6.8.2 The hours of home working would normally match the number of daily contracted hours. How these hours will be worked will be agreed with the manager prior to the staff working from home. This arrangement is based on trust of the staff member and that they work as they normally would within the workplace.

6.8.3 It is the responsibility of the member of staff to ensure that their home working environment is safe and conducive to productive work outputs.

6.9 Career Break

6.9.1 For staff working under Agenda for Change Terms and Conditions the following provisions around career breaks apply. For Medical and Dental staff please refer to the associated Sabbatical and Employment Break Procedure for Medical and Dental Staff.

6.9.2 A career break can be requested by all staff provided they have a minimum of 12 months service. The career break can be for a minimum of 3 months and the maximum length of the break can be 5 years.

6.9.3 Career breaks may be taken for a number of reasons, e.g. to provide short, medium or long-term support to the family. Similarly, an individual may wish to take a specified period of leave to further personal development and learning opportunities. The reasons are not limited and a manager should consider all requests.

6.9.4 During a career break staff have the option to request for career breaks to be extended with appropriate notice (8 weeks notice), or for early return from breaks.

6.9.5 The Trust will guarantee that if the staff member returns to work within one year, the same job will be available, as far as is reasonably practicable. If the break is longer than one year, the

Trust will not be able to guarantee a return to the same post, particularly at times of organisational change, but the staff member may return to a job as similar as possible, providing the staff member has maintained their professional skills, and registration if appropriate.

- 6.9.6 The staff member will return to work at the equivalent salary level as when they started the career break. Following the career break any incremental/pay step awards will be in line with the national agreement, advice should be taken from Human Resources.
- 6.9.7 Staff will not normally be permitted to undertake paid work whilst on a career break, except where, for example, work overseas or charitable work could broaden experience. In such circumstances the manager should seek advice from Human Resources by contacting the HR First Contact Team.
- 6.9.8 Staff are advised to refer to the NHS Pension Scheme Authorised Leave/Career Breaks FAQ's before requesting a career break or sabbatical, as they may be required to pay both the employee and employer pension contributions.

7. Application Procedure

- 7.1 The member of staff must apply in writing to their immediate line manager or the manager responsible for day to day service provision (retaining a copy of their request). The request must outline details of their flexible working request and how they propose this will operate. (Please see Appendix A for the application form).
- 7.2 When making the application the member of staff should consider how their request may impact on the service/department/ward and their colleagues. Within the application it may be beneficial to propose other flexible working options that would support the staff member if the initial request could not be accommodated.
- 7.3 Staff must to consider when they wish for the change to commence if approved and be mindful of the operational adjustments that may need to be made to ensure the service isn't impacted.
- 7.4 The manager must consider the request and meet with the member of staff as soon as possible, but no later than 14 calendar days from receipt of the written request. During this meeting the manager will take into account the request and/or any personal circumstances that have led to the flexible working request being made. Notes of the discussion should be produced by the manager and copied to the member of staff. This meeting is also an opportunity for the manager and member of staff to

discuss other options that may better suit the department and the staff member.

- 7.5 If the member of staff has not had a response or a meeting arranged from their line manager within 14 calendar days of their written request they should contact HR First Contact who will liaise with the line manager.
- 7.6 Following the meeting the manager should respond to the request in writing within 14 calendar days of the meeting, putting forward either an agreement, a compromise or, if the request is denied, justifiable reasons for not being able to accommodate this. Template letters can be found on the HR section of the Trust website.
- 7.7 The manager should also confirm the start date of the new arrangement which may be different to the date requested by the member of staff. However this will be discussed with the member of staff.
- 7.8 The manager may decline the request based on one or more of the following justifiable reasons:
 - a. Detrimental effect on the Trust's ability to meet patient/service demand;
 - b. Inability to reorganise work within available staffing;
 - c. Inability to recruit additional staff;
 - d. Detrimental impact on quality;
 - e. Detrimental impact on performance;
 - f. Burden of additional cost to the Trust;
 - g. Insufficient work during the period the member of staff proposes to work; and/or
 - h. Planned structural changes to the service/department.
- 7.9 A copy of the form must be sent to HR First Contact. This is to enable monitoring of flexible working requests.
- 7.10 If a manager accepts a request it must be agreed prior to the commencement of change in working pattern what the review period is. For example, if the staff member wants it to be a permanent change it may be beneficial to arrange a review at 6 months and 12 months before confirming the contractual change is indefinite. If the flexible working request is only for a temporary period of time, for example 3 months, it may be agreed by the manager that a review period is not necessary.

8. Appeals Procedure

The member of staff has the right to appeal against a refusal of their flexible working request and this should be made to the line manager's line manager. A meeting will be arranged and will include a representative from Human Resources. Where the member of staff is in a trade union they may be accompanied by their representative. There is no recourse through any other procedure including the Trust's Grievance Procedure.

9. References

Agenda for Change Handbook (Section 36 Employment Break Scheme)
http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/AfC_tc_of_service_handbook_fb.pdf

NHS People Plan

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Working Time Regulations
www.gov.uk/flexible-working/overview

www.acas.org.uk/flexibleworking

<http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm>

<https://www.gov.uk/part-time-worker-rights>

10. Associated Policy and Procedural Documentation

IT Acceptable Use Policy

Annual Leave Procedure

Counter Fraud and Corruption Policy

Disciplinary Procedure

Grievance Procedure

Procedure for the Administration of Changes to Pay and Personal Details

Retirement Procedure

Sabbatical and Employment Break Procedure for Medical and Dental Staff

Scheduling Working Time Policy & Procedure

Special Leave Procedure

Work Life Balance Policy

UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST
FLEXIBLE WORKING APPLICATION FORM

Member of Staff details			
Name:		Employee number:	
Job title:		Department:	
Manager's name:		Division:	
Details of application for flexible working to be completed by member of staff			
Current working pattern (days/ hours/ times worked):			
Describe the working pattern that you would like to request (days/ hours/ times worked)?			
Please tick one of the following options:			
<input type="checkbox"/>	I would like the change to be a permanent change to my contracted working pattern, and understand that, if agreed, the decision cannot be reversed without agreement.		
<input type="checkbox"/>	I am seeking a temporary change to my contracted working pattern and would like this to last until <i>(please insert end date)</i> .		
<input type="checkbox"/>	I would like the revised working pattern to commence from <i>(please insert date)</i>		
I believe this change in my working pattern will affect the department / ward and colleagues as follows:			

I believe the effect on the department / ward and colleagues can be dealt with as follows:	
I will look forward to a meeting to discuss my request within the next 14 calendar days.	
Signed:	Date:
To be completed by the Line Manager	
Date request received in writing:	
Date request acknowledged:	
Date meeting undertaken to discuss flexible working request:	
Checklist for Line Manager	
<input type="checkbox"/>	Original flexible working request approved on (date)
<input type="checkbox"/>	Alternative flexible working request approved on (date)
<input type="checkbox"/>	Flexible working request declined on (date)
<input type="checkbox"/>	Member of staff informed of right of appeal against refusal of flexible working request..... (date)
<input type="checkbox"/>	Outcome of flexible working request confirmed in writing on..... (date)
<input type="checkbox"/>	If the change will have an impact on pay, ESR2 or HR2a form completed on (date)
<input type="checkbox"/>	Copy of all documentation placed on member of staff's personal file..... (date)
<input type="checkbox"/>	Copy of all documentation sent to the HR – First Contact Team on(date) by email firstcontact@uhb.nhs.uk

Please send one copy of this form to the member of staff and retain one copy for your own records. A copy must also be sent to HR First Contact for monitoring purposes.

Where flexible working arrangements impact on pay, please complete an HR2 (if any pay increase) or HR2a (if any pay decrease or to implement annualised hours arrangement) as appropriate for QE staff, an ESR2 will need to be completed for staff based at Heartlands, Good Hope or Solihull Hospital.