

FLEXIBLE WORKING POLICY

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Author:	Claire Nicholas
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Target Audience:

People who need to know about this document in detail	Author/Owners of this procedure.
People who need to have a broad understanding of this document	Board Members, Management Board, Senior Leaders, Board Committees.
People who need to know that this document exists	Employees of Cwm Taf Morgannwg University Health Board and its hosted organisations.

Integrated Impact Assessment:

Equality Impact Assessment Date & Outcome	Date: Outcome: This policy has been screened for relevance to Equality. No potential negative impact has been identified.
Welsh Language Standard	Yes - If Standard 82 applies you must ensure a Welsh version of this policy is maintained
Date of approval by Equality Team:	(00/00/0000)
Aligns to the following Wellbeing of Future Generation Act Objective	Ensure sustainability in all that we do, economically, environmentally and socially



Disclaimer:

If the review date of this Policy has passed, please ensure that the version you are using is the most up to date version either by contacting the author or email CTM_Corporate_Governance@wales.nhs.uk

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1. Purpose

Cwm Taf Morgannwg University Health Board (UHB) is committed to the principles of equality and recognises that being able to work flexibly is important in promoting equality of opportunity. Flexible working is about challenging traditional full time working patterns and making adjustments so that organisational needs are met and so that staff can find a balance, which enables them to more easily combine work with their personal responsibilities and aspirations.

2. Policy Statement

- 2.1 The UHB accepts the importance of staff maintaining a work life balance appropriate to their lifestyle in order to enable them to successfully contribute towards the provision of critical and high quality healthcare.
- 2.2 Flexible working should be part of an integrated approach to the organisation of work and healthy work/life balance of staff.

3. Principles

- 3.1 Any change to working arrangements should only be introduced by mutual agreement whether sought by the employer or employee.
- 3.2 The organisation is required by law to consider requests for flexible working made by employees who have a statutory right to request flexible working. Agenda for Change Terms and Conditions of Service extend this facility to all staff.
- 3.3 This policy encourages flexibility by building on existing arrangements and extending those principles to other possible methods of working which might be considered by staff and managers. Success in introducing and maintaining flexible working options depends on:
 - Consultation.
 - Open communication.
 - Involvement of all team members.
- 3.4 Flexibility will only work when it is introduced following detailed discussion and by agreement with parties concerned. At all times the needs of the service will be paramount.

4. Scope

- 4.1 This policy is applicable to all employees, regardless of age, sex, gender, sexual orientation , race or any other protected characteristic or personal circumstances..
- 4.2 All jobs should be considered for flexible working unless there is a clear, demonstrable, operational reason why this is not practicable.
- 4.3 All employees have the contractual right to request flexible working from day one of employment. Employees can make more than one flexible working request per year and can do so regardless of the reasons for them.

5. Legislative and NHS Requirements

- Employment Rights Act 1996, Section 80F.
- Work and Families Act 2006.
- Apprenticeships, Skills, Children and Learning Act 2009.
- Flexible Working Regulations 2014.
- Agenda for Change Terms and Conditions of Service.

Employers are also required to consider flexible working options as part of their duty to make reasonable adjustments for employees and job applicants with a disability under the Equalities Act 2010.

6. Procedure

- 6.1 This policy enables employees to request to work flexibly. It does not provide an automatic right to work flexibly as there may be circumstances when the employer is unable to accommodate the employee's desired work pattern.
- 6.2 The employee has a responsibility to think carefully about their desired work pattern when making an application. Once an application is submitted, there may not be an opportunity to make further amendments.
- 6.3 The manager (employer) should ensure that all requests are considered carefully, weighing up the benefits of the proposed change against any potential adverse business effects. Managers are also responsible for ensuring that all applications are considered in a timely manner, within the legal framework and in line with Policy.
- 6.4 Any declined requests must be confirmed in writing by the line manager and must include the rationale for being declined (see section 6.14).
- 6.5 There are many different options of flexible working, the options that the UHB currently use include:
 - Part time working, where a person works to a pattern and number of hours by mutual agreement;
 - Job Sharing, where two or more people share the responsibilities of one or more fulltime job(s), dividing the hours, duties and pay between them;
 - Flexi-time, where employees can choose their own start and finish time around fixed core hours;
 - Annual Hours contracts, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year.
 - Flexible rostering, using periods of work or differing lengths within an agreed overall period;
 - Compressed hours, where employees work their total number of agreed hours over fewer working days for example compressing a five day working week into four days;
 - Term-time working, where people work during the school term but not during the school holidays;

- School Time Contracts
- Tele-working, where people work from home for all or part of their hours with a computer or telecommunication link to their organisation;
- Voluntarily reduced working time, where people work reduced hours by agreement at a reduced salary;
- Fixed work patterns where, by agreement, days off can be irregular to enable, for example, separated parents to have access to their children and flexible rostering;
- Flexible retirement depending on the pension scheme of the individual staff member.
- Varieties of shift patterns that enable the service to balance its needs as well as allow staff to have a work life balance.

(See Appendix 1 for full details of the above).

It is important to note that some of these arrangements could affect the employee's annual leave entitlement and this must be taken into account when discussing requests.

Please refer to the Annual Leave policy if looking to purchase additional annual leave.

6.6 There are also specific options in relation to retirement and these are covered by the Retirement Policy and Retire and Return Guidelines.

6.7 Employees may request a change to:

- the hours they work.
- times they are required to work.
- their pattern of work.
- working arrangements e.g. to work from home.

Making an Application for Flexible Working

6.8 Applications for flexible working should be made on a temporary basis, this provides both the employee and manager an opportunity to regularly review working arrangements. If a request is made for a permanent change, employees should note that this will mean a permanent change to the employee's terms and conditions of employment and the employee will have no right to return to their former terms and conditions. Changes of this nature should only be made in exceptional circumstances. All applications and any subsequent acceptances must clearly state the duration of the request. Should further changes be required or if the permanent change is no longer required, the employee would need to complete a further Flexible Working Request Form.

6.9 The employee must give careful consideration to the most appropriate working pattern for them to meet their work/life balance needs; any financial implications where the change will result in a reduction in salary; any effects it will have on the employer and how these might be dealt with. Once applications are accepted there may not be an opportunity to make further changes until the agreed review period.

6.10 It is advisable for both the employee and manager to agree a review period for a specified

length of time, with a review date. This must be clearly stated on the 'Flexible Working Application Acceptance Form'. This is the most appropriate option. If either party finds the flexible working option unsuitable, they must give clear reasons for this at the end of the review period. Both parties must then seek to reach a mutually agreeable alternative arrangement.

- 6.11 The employee will be required to make an application using the Application Form (Appendix 2 – Form 1). The form must be fully completed, giving full details of the request and must be signed and dated.
- 6.12 This should then be sent to the appropriate manager who must acknowledge the request promptly. They may ask for any missing information to be submitted before they arrange a meeting.

Managers dealing with the Application for Flexible Working

On receipt of a fully completed application, managers must acknowledge this by completion of the 'Flexible Working Receipt of application Form' (Appendix 2 – Form 2).

- 6.13 The manager must then arrange a meeting with the employee within 28 days at an appropriate time and place that is mutually convenient. The meeting will provide the manager and employee with the opportunity to explore the employee's desired work pattern and discuss how it might be accommodated. During this meeting, the Manager should complete Section 2 of the Application Form (Appendix 2 – Form 1). It will also provide the opportunity to consider other alternative working patterns if there are difficulties in accommodating the employee's desired work pattern.
- 6.14 If it is not possible to arrange a meeting within 28 days, the manager must seek the individual's agreement to extend otherwise they will be in breach of the procedure.
- 6.15 There is provision to postpone the application or appeal meeting if the person due to accompany the employee is not available to attend.
- 6.16 The employee may be accompanied by a staff side representative and the manager can also request that a Workforce representative is also in attendance.
- 6.17 Once the application has been discussed, the manager must give the employee notice of their decision on the application within 14 days of the meeting:
 - (i) Accepted – staff should receive the completed Application Form (Appendix 2 – Form 1) from their manager stating confirmation of new work pattern and a start date. This should also advise on details of any compromise agreed at the meeting and the review periods discussed.
 - (ii) Refusal – staff should receive the completed Application Form (Appendix 2 – Form 1) from their manager. This will need to include a clear business reason as to why the application cannot be accepted and why these reason/s apply in the specific circumstances. Applications for flexible working can only be declined based on the following reasons:
 - 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.
- a detrimental effect on ability to meet customer demand.
- insufficient work for the periods the employee proposes to work.
- a planned structural change.

Refused Applications

- 6.18 If applications for flexible working are refused, the manager must inform the employee of their right to appeal against a refusal. It may also be helpful to hold a further discussion which will allow the employee the opportunity to discuss your decision.
- 6.19 The provisions of the All Wales Respect and Resolution Procedure will apply should they wish to appeal. However, employees may wish to refer their issue to 'Resolve' mediation service in the first instance.
- 6.20 Once received, all applications, including any appeals must be concluded within a 3 month period.

Following the Decision

- 6.21 Written notification should be sent to the staff member concerned, and also a copy placed on their personal file.
- 6.22 When a request is accepted, the paperwork should be forwarded to both Employee Services (Payroll) and the relevant Workforce Team as to implement the necessary changes of pay and benefits.
- 6.23 Where the request is accepted, managers should include review points scheduled throughout the new working pattern to ensure that the new arrangements are still suitable for both the employee and the organisation. This should be set in place annually but for situations which have proved complex, then no less than every 6 months.

Extension of Time Limits

- 6.24 Any extension to any of the time limits stated above must be agreed by the manager and the employee. An agreement must be recorded in writing by the manager, specifying what time limit the extension relates to, specifying the date on which the extension is to end, be signed and dated and be sent to the employee.
- 6.25 The provision is intended to cover situations where a manager has indicated willingness to consider a compromise flexible working arrangement but needs time to further assess the feasibility and likely impact on the service.
- 6.26 It also covers situations where the person who normally considers such applications is absent, for example on annual leave or sick leave. The time limit will be extended to the date falling 28 days after the date on which that individual returns to work.

Withdrawal of Application for Flexible Working

- 6.27 If the employee decides to withdraw their application, they should in the first instance discuss this with their manager, which should then be confirmed in writing (Appendix 2 – Form 3). It should be noted that in some instances, it may not be possible for a manager to accept a withdrawal to work flexibly.
- 6.28 Should an employee not attend the scheduled meeting to discuss the flexible working application a further meeting will be arranged. If, the employee fails to attend this rearranged meeting (without good reason) the manager can consider the application withdrawn.
- 6.29 In all cases, the manager must confirm in writing the withdrawal of the request.

7. Training Implications

All staff should be aware of flexible working policies via internal mechanisms such as corporate and departmental induction and team brief.

8. Review, Monitoring and Audit Arrangements

- 8.1 Applications and outcomes should be discussed with the relevant Workforce representative.
- 8.2 Monitoring information should be analysed and used to review and revise policies and procedures to ensure their continuing effectiveness.
- 8.3 Applications and outcomes should be kept on personal files and reviewed in accordance with records management procedures.

This policy will be reviewed every 3 years, additional reviews may be required if any changes are made to Legislation or Terms and Conditions of Service apply.

9. Managerial Responsibilities

Divisional and Clinical Service Group Managers have a duty to ensure that this policy is applied fairly and consistently.

Managers must take overall responsibility for ensuring that this policy is implemented and monitored effectively, they must ensure that all of their employees are aware of their responsibilities.

10. Retention/Archiving

The Executive Director for People will ensure that copies of this policy are archived and stored in line with UHB records management policy, and are made available for reference purposes should

any situation arise where they are required.

11. Non Conformance

All employees are expected to comply with this policy, failure to comply with the policy is a serious offence and could result in disciplinary action.

12. Equality Impact Assessment Statement

This policy has been subject to a full Equality Impact Assessment and no implications found.

Appendix 1

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1. Part Time Working

Part time work is when employees are contracted to work for anything less than the normal basic full-time hours.

2. Job Sharing

This is a formal agreement whereby the duties and responsibilities of a full-time post can be shared by two or more employees. The salary and benefits of the post are divided between the job sharers in proportion to the number of hours they work. This arrangement has the constraint that if one party to the job share leaves, the employment of the second party is affected.

- Each employee holds a separate contract of employment with the salary, allowances, hours and holidays allocated on a pro rata basis. Individuals who share jobs may be placed on different incremental points depending on their experience. Each partner will also receive a Job Share agreement at appointment setting out in detail the conditions of their particular job share.
- Each employee will be eligible for overtime payment when they exceed their normal contracted hours of work for the full time job. Any additional hours worked, for example if one partner covers the hours of the other, payment will be made at the normal rate or

time given in lieu.

- Sharers would not normally be expected to cover for each other's sickness absence or annual leave – although such agreement may be made. It will however be expected that sharers take their annual leave at different times.
- In the case of promotion, job sharers would generally be promoted individually by merit, but may also apply jointly for promotions.
- It may be necessary to implement an overlap period into both working patterns, so as to ensure that there is regular and effective communication.
- Any amendments to the working arrangements, temporary or permanent, shall only be made after consultation with both partners.
- In the event of one partner ceasing to continue in their post, if the remaining hours are to be filled, they should be offered to the continuing partner in the first instance. If they do not wish to accept these hours then they will be advertised. If a replacement cannot be found within a suitable time frame (no less than two months from the last day of service of previous sharer), alternative arrangements for covering duties of the post must be considered.

3. Flexi-Time

Flexi-Time is a scheme of working which allows employees to choose the time they begin and finish work around a set core time during their working day.

Flexi-Time arrangements are agreed locally within a specific work area. There is no UHB wide arrangement.

4. Annualised Hours

The employee agrees to a number of hours per year to work rather than a standard number each week. The actual number of hours worked by a member of staff during the week will then be "flexed" to match workload requirements.

- Hours may vary week to week and they may also be varied seasonally and/or according to fluctuation of service demands.
- Hours and shifts will be decided jointly between management and employee. Staff are issued with a provisional rota for each month.
- If the workload is reduced for any reason and staff on that shift are underutilised, the roster can be reduced accordingly and staff can be asked if they would prefer not to work that day.
- Reserve Hours – staff will be rotated to be on call in case they are required. In these circumstances they will need to be available to work within an hour or so. Employees do not get paid anything extra for attending work on these occasions because it is all included in the monthly salary. These hours can also be used for training.
- Sickness – Time off work due to sickness will be paid in accordance with the terms

and conditions of employment. For part sickness, payment shall be made in accordance with contracted hours. For full week's sickness, payment will be made in accordance to contracted hours of employment.

- The Annual Leave Policy provides guidance on calculating annual leave for annualised hours.

5. Flexible Rostering

Using periods of work of differing lengths within an agreed overall period.

6. Compressed Working Hours

This option allows employees to "compress" their working hours into fewer full working days, without reducing the overall total number of hours per week.

- Typically a full-time employee may compress their hours into four and a half longer days rather than five; or into nine days out of ten. All hours should be agreed with management in advance.
- Not all staff may be able to work a longer day – due to the nature of their role.

Cover must be maintained, so that popular days off must be fairly distributed.

7. Term Time Working/School Time Contracts

Term time working allows staff to remain on a permanent contract and gives them the right to unpaid leave during the school holidays.

- Focussed specifically on accommodating out of term periods, the scheme can be used by employees who have direct responsibilities for children of school age.
- Staff are usually expected to take their annual leave during the school holidays.
- Agreement is reached between the member of staff and their manager on how much additional unpaid leave is required to cover the school holiday period and when their paid leave is to be taken. These arrangements should be made as much as a year in advance.

Term Time Working

School Time Contracts can be offered in addition to term time contracts or as an alternative.

- Staff may commence work and finish to fit in with their child's school attendance times.
- The ability to access this will depend on the type of job and the impact on the service these hours may make.
- Terms and conditions are in line with part time and/or term time conditions.

- The Annual Leave Policy provides guidance on calculating annual leave for term time working.

8. Working from Home

Staff can work from home (WFH) for all or part of their hours with a computer or telecommunication link to their organisation. Staff will complete their working day from home, either as a temporary arrangement or on a permanent basis. Dependent on the type of role this option may only be available to a certain portion of Cwm Taf Morgannwg staff. Resources will need to be provided to assist staff working from home, these resources will be dependent again on the role.

- Staff will be expected to be available to their manager or colleagues in the same manner as they would if they were in on site.
- Staff and management will agree the day or days that they will be working from home and this will be reviewed periodically.
- Staff should be aware that there will need to be a degree of flexibility when requests are made to attend site on a WFH day e.g. due to a necessary training event or team briefing.
- Staff should not use the WFH option to assist with child care arrangements. If employees are considering working from home, a WFH form should be completed.

Working from Home with Patient/Staff Identifiable Information (PII)

- PII should only be taken home in exceptional circumstances.
- Written permission must be obtained from the line manager before PII and/or sensitive information is taken home. Permission must be recorded and stored.
- The line manager must discuss and assess any potential risk(s) before permission is given; this must be recorded. If necessary, a formal risk assessment must be undertaken.
- PII must not be stored on the hard drive of home computers.
- All PII taken off UHB premises must be tracked.
- Staff will be expected to comply with all UHB Information Governance policies and related procedures, protocols and guidance when working from home. The security and confidentiality of any information which is taken off UHB premises is of paramount importance; failure to protect such information would be regarded as a disciplinary offence.

9. Voluntarily Reduced Working Time

Staff work reduced hours by agreement at a reduced salary. Staff can reduce their hours for a temporary period of time to support their work-life balance issues.

- Consideration must be given to how long this period will last.
- The level of reduction in working hours.

- For a 6–12 month agreement a return to full-time work is guaranteed for the employee. If the agreement is longer than this or renewed, the reduced hours may be reassigned on a permanent basis. At the end of this extended period the employee will return to their substantive terms and conditions.
- Pay, pension and other benefits will be pro rata for the period. Contact Employee Services (Payroll) or the NHS Pension Agency for pension contribution details.

10. Fixed Work Patterns

A fixed working pattern where, by agreement, the days off can be irregular or set days off to enable, for example, separated parents to have access to their children and flexible rostering.

11. Flexible Retirement

This agreement would depend on the pension scheme of the individual staff member. Please refer to the Retire and Return Guidelines.

12. Varieties of Shift Patterns

Shift patterns that enable the service to balance its needs as well as allow staff to have a work life balance.

Appendix 2

Application Form for Flexible Working (Section 1 to be completed by Employee)

Section 1

Personal Details

Name:		Payroll No:	
Job Role:		Base:	
Team:		Telephone:	
Line Manager:		Email:	

Please explain what changes you are requesting (include current hours and working pattern and any changes you wish to these):

Is this request permanent or for a temporary period? (if temporary please state period of time):

What impact (if any) will this have on the service?

What impact (if any) will this have on business delivery?

What are the benefits to you?

If the request is refused or amended, what would the impact be?

Employee

Signed:.....

Date:.....

Print Name in full:

**THIS FORM SHOULD BE SUBMITTED TO YOUR
LINE MANAGER FOLLOWING COMPLETION.**



Flexible Working Receipt of Application from Manager

To (Employee Name) : _____

I confirm that I have received your Application Form, making a request to work flexibly.

I shall arrange a meeting with you within 28 days, and we will complete Section 2 of the Application Form during the meeting.

Signed (Manager): _____

Name (Print) : _____

Date: _____

Application Form for Flexible Working

(Section 2 to be completed by the Manager during the meeting with the Employee)

Section 2

Date/s of meeting to discuss application:

Discussion points:

Outcome:

If application is rejected, tick the applicable business reason and provide further information to support this reason:

If you are unhappy with the decision you may appeal against it to the next level of management using the All Wales Respect and Resolution Policy.

- ☐ 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.
- ☐ A detrimental effect on ability to meet customer demand.
- ☐ Insufficient work for the periods the employee proposes to work.
- ☐ A planned structural change.

Details of review timescales:

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Manager

Signed:.....

Date:.....

Print Name in full:

**MANAGERS TO SEND A COPY OF THIS COMPLETED FORM TO THE WORKFORCE
AND OD TEAM
(BOTH GRANTED AND REFUSED FLEXIBLE WORKING REQUESTS).**



Appendix 3

Flexible Working Notice of Withdrawal

Note to the Employee

This form provides notification to your Line Manager that you wish to withdraw your application to work flexibly.

To (Manager Name): _____

I wish to withdraw my application to work flexibly which I submitted to you on (insert date): _____

Signed (Employee): _____

Date of Signing: _____

NOW RETURN THIS FORM TO YOUR MANAGER

Note to the Manager

Once the employee has completed this form and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration.

You must send acknowledgement to the employee for the submission of this form.

Flexible Working Process Flow Chart

Flexible Working Requests – Process flowchart

