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| **Human Resources** | **HR09 Flexible Working Policy** |

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| **Version Number** | **Date Issued**  | **Review Date** |
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| **Prepared By:** | Kirstin Brundle |
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| **Formally Approved:** | July 2022 |
| **Approved By:** | ICB Board |

**EQUALITY IMPACT ASSESSMENT**

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| **Date** | **Issues** |
|  | To be completed, as outlined in the agreed 2022/23 HR EIA review schedule. |

**POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

**ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact necsu.icbhr@nhs.net

**Version Control**

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| **Version** | **Release Date** | **Author** | **Update comments** |
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**Approval**

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| **Role** | **Name** | **Date** |
| Approver | ICB Board | July 2022 |

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# **1. POLICY STATEMENT**

1.1 The North East and North Cumbria Integrated Care Board (the Organisation)is committed to providing a range of flexible working options for all employees in order to maintain a committed and skilled workforce, able to deliver high quality, cost effective services in an environment which maximises opportunities for employees to balance work and personal commitments.

1.2 This policy sets out the flexible working arrangements that are available within the Organisation and is supplemented by separate policies on different options.

# **2. PRINCIPLES**

2.1 The Organisation has an overriding responsibility to deliver timely services. It also has the right to seek ways of developing the capacity of its services, improving the capabilities of its employees and improving effectiveness.

2.2 To support a positive culture of flexible working, the Organisation will consider how they support and encourage open conversations about flexible working. Examples of opportunities to talk about flexible working include at one-to-one line management/supervision meetings, team/departmental meetings, as part of wellbeing conversations, or as part of recruitment, induction, and annual appraisal processes.

2.3 This policy allows any employee, from their first day of employment onwards, the right to apply for a change in their contracted hours of work but does not guarantee a change will be made.

2.3 All requests will be given full consideration and no reasonable request will be refused. However, in certain circumstances the needs of the business may not allow for the request to be granted. If a request is denied, a full and detailed reason for the refusal will be given in writing to the employee.

2.4 Managers will ensure that staff who request a flexible working arrangement are aware of the implications (if any) on their terms and conditions of employment e.g. salary, annual leave, pension. Managers should seek the assistance of a Human Resources representative where necessary.

2.5 As far as practicable the Organisation may be able to offer flexible working arrangements such as *(reference: NHS Terms and Conditions of Service section 33):*

* Part-Time Working -This is where an employee is contracted to a number of hours that are less than the normal hours of work of a comparable full-time employee.
* Job Share - This is normally where two people share the duties and responsibilities of one full-time post in a partnership arrangement.
* Term-Time Working - This is where people work during the school term but not during school holidays. There is agreement to allow an employee to take extended unpaid leave to coincide with the school holidays.
* Flexible Hours – Flexibility around core hours allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their personal circumstances or work life balance.
* Annual Hours – This is where a person works a specific number of hours each year, with the hours being unevenly distributed throughout the year.
* Flexible Rostering/Compressed hours – Using periods of work of differing lengths within an agreed overall period
* Home-working – This is where people work from home for all or part of their hours with a computer or telecommunication link to the Organisation.
* Voluntary reduced working time – This is where people work reduced hours by agreement at a reduced salary.
* Fixed work patterns – This is where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering.
* Flexible Retirement

2.6 Where a request for a permanent change to an employee’s working arrangements is requested the Organisation reserves the right to impose a trial period, the length of which will be at the line manager’s discretion but will normally be between 3 and 6 months, to establish whether or not the new working arrangements meet service needs.

2.7 Employees can make more than one flexible working request per year and can do so regardless of the reasons for the request.

2.8 For details of arrangements covering emergency time off for the care of dependants, see the HR19 Other Leave Policy.

2.9 Training and support will be provided to all Line Managers in the implementation and application of this policy to ensure applications for flexible working are considered in a fair and consistent manner.

# **3. PROCEDURE**

3.1 A request to change the contracted hours of work must be made by the employee using the form in the resource pack, to their line manager and must:-

* be dated and submitted allowing sufficient time between the submission of the request and the proposed start date for the application to be considered;
* for monitoring purposes state whether a previous application has been made and, if so, the date on which it was made;
* it is optional to include the reason the request is being made (whilst this is optional it is helpful to include if the reason is in relation to a protected characteristic or a reasonable adjustment in line with the Equality Act 2010)
* include details of the proposed change, and proposed start date, and an explanation of the employee’s view of the effect on the Organisation's business and how this may be dealt with;
* relate to hours, times or place of work;

3.2 The line manager will acknowledge the request using the form in the Managers resource pack and will arrange a meeting with the employee to discuss the application, to be held no later than 28 days after the date of application. This meeting should take the form of an initial exploratory stage look at all the options for reaching a mutually agreeable outcome. If after a full exploration the request cannot be agreed, consideration should be given to any options beyond the immediate team within the organisation that could be mutually agreed. If, after this wider exploration, the line manager cannot agree to the flexible working request it should be escalated to the next appropriate level of management to explore any further options that could be mutually agreed. The Organisation should determine local arrangements to ensure all options have been thoroughly explored.

3.3 The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting.

3.4 A decision will be made within 14 days of the meeting and the employee notified in writing using the form in the Managers resource pack. The notification will either:-

* accept the request and establish a start date and any other action or
* confirm a compromise agreed at the meeting or
* reject the request, detailing all of the facts including alternatives considered, and objectively demonstrating the business rationale behind the decision.
* include details of the appeals process

3.5 Should the application be approved, the change will be made on a permanent basis, unless all parties have agreed at the outset that the arrangement is time limited in which case regular reviews should be undertaken with the employee to establish that the business can still support the request and the employee still wishes to have the change in place. A trial period may be agreed.

3.6 Applications for flexible working arrangements will be refused only for one or more of the following reasons:

* the burden of additional costs;
* detrimental effect on ability to meet customer demand;
* inability to reorganise work among existing staff;
* inability to recruit additional staff;
* detrimental impact on quality;
* detrimental impact on performance;
* insufficiency of work during the periods the employee proposes to work;
* planned structural changes.

3.7 If an employee does not attend two arranged meeting without a ‘good reason’ the application is considered withdrawn

3.8 If the application is refused, the employee will be allowed another 14 days in which to appeal.

# **4. APPEAL PROCEDURE**

4.1 The employee must submit their appeal in writing within 14 days of them being informed of the decision

4.2 The appeal will be acknowledged in writing and an appeal meeting arranged

4.3 The appeal meeting must take place within 14 days of the notice of the appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.

4.4 The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting

4.5 The decision on the appeal must be given within a further 14 days and is final.

# **5. EQUALITY**

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

# **6. DATA PROTECTION**

6.1 In applying this policy, the Organisation will have due regard for the UK General Data Protection Regulation (UK GDPR) tailored by the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information.  Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

# **7. MONITORING & REVIEW**

7.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

7.2 The Organisation will ensure that data relating to applications for flexible working and outcomes of decisions are recorded.

# **8. ASSOCIATED DOCUMENTATION**

The following documentation is linked to this policy:

* HR19 Other Leave Policy
* HR29 Retirement Policy
* Agenda for Change Terms and Conditions
* Flexible Working: Raising the standards for the NHS v1
(<https://www.england.nhs.uk/wp-content/uploads/2022/02/B0395-flexible-working-raising-the-standards-for-the-NHS.pdf>)

# **APPENDIX 1**

**Equality Analysis Assessment**

Equality Impact Assessments will be updated to include statistical data. Equality Impact Assessments will be updated and included in each Human Resource policy, as per the agreed 2022/23 HR EIA review schedule.