

## HUMAN RESOURCES POLICY

## FLEXIBLE WORKING

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Document History		
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1	April 2013	n/a
2	October 2014	Legislation changes
3	July 2016	None.

Equality Impact Assessment	
Date	Issues
10 October 2014	None

Policy Validity Statement
This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## **1. POLICY STATEMENT**

- 1.1 The CCG is committed to providing a range of flexible working options for 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 CCG and is supplemented by separate policies on different options.

## **2. PRINCIPLES**

- 2.1 The CCG 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 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 a CCG may be able to offer flexible working arrangements such as (*reference: NHS Terms and Conditions of Service section 34*):
  - 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 Working - Flexible working allows employees to vary their actual working hours. This means that employees can vary their start and finish times to better fit their domestic responsibilities, travel arrangements or for work purposes.
  - 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 – Using periods of work of differing lengths within an agreed overall period
- Tele-working – This is where people work from home for all or part of their hours with a computer or telecommunication link to their CCG.
- 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 CCG 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 are able to apply no more than once per year.

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.

### **3. EQUALITY**

3.1 In applying this policy, the CCG 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.

### **4. MONITORING & REVIEW**

4.1 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.

4.2 The implementation of this policy will be audited on an annual basis by CSU Leadership Team.

## 5. ASSOCIATED DOCUMENTATION

The following documentation is linked to this policy:

- HR19 Other Leave Policy
- HR29 Retirement Policy

## 6. PROCEDURE

6.1 A request to change the contracted hours of work must be made by the employee using the form in Appendix 1, 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;
- state whether a previous application has been made and, if so, the date on which it was made;
- include the reason the request is being made
- include details of the proposed change, and proposed start date, and an explanation of the employee's view of the effect on the CCG's business and how this may be dealt with;
- relate to hours, times or place of work;

6.2 The line manager will acknowledge the request (Appendix 2) 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.

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

6.4 A decision will be made within 14 days of the meeting and the employee notified in writing. 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 and demonstrating the business rationale behind the decision.
- include details of the appeals process

6.5 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. A trial period may be agreed.

6.6 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.

- 6.7 If an employee does not attend two arranged meeting without a 'good reason' the application is considered withdrawn
- 6.8 If the application is refused, the employee will be allowed another 14 days in which to appeal.

## **7. Appeal Procedure**

- 7.1 The employee must submit their appeal in writing within 14 days of them being informed of the decision
- 7.2 The appeal will be acknowledged in writing and an appeal meeting arranged
- 7.3 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.
- 7.4 The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting
- 7.5 The decision on the appeal must be given within a further 14 days and is final.

### FLEXIBLE WORKING APPLICATION FORM

Name:	Dept:
Manager:	CCG Start Date:

- I wish to apply to work a flexible working pattern that is different from my current working pattern.
- I understand this application is my statutory right to apply for flexible working.
- I confirm that I have not made a request under this right during the past 12 months.

All sections must be completed:

1. Reason for request:
2. My current working pattern is: <i>(Please provide details of days/hours/times worked)</i>
3. The pattern I would like to work is: <i>(Please provide details of days/hours/times to be worked)</i>
4. I would like this working pattern to commence from:
5. I think this change in my working pattern will affect CCG and my colleagues as follows:
6. I think the effect on CCG and my colleagues can be dealt with as follows:

Signed: \_\_\_\_\_

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

**Confirmation of receipt of application**

(Line manager to complete and return to employee)

Dear

I confirm that I received your request to change your work pattern on \_\_\_\_\_.

I will be arranging a meeting to discuss your application within 28 days. In the meantime, you may wish to consider whether you would like a colleague to accompany you to the meeting.

Yours sincerely

Line Manager

Equality Analysis Assessment**Title of the change proposal or policy:**

Flexible Working

**Brief description of the proposal:**

To ensure that the policy amends are fit for purpose, that the policy is legally compliant and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Charmaine Harrison – HR Consultant

**Date of assessment: 10<sup>th</sup> October 2014****Please answer the following questions in relation to the proposed change:****Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other CCGs operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to relevant legislation, AFC terms and conditions. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.