

Flexible Working Policy

HWHR02

Document Reference Information

Version:	1 (Joint H&W)
Status:	Ratified
Author:	Human Resources Team
Directorate Responsible:	Corporate Governance
Directorate Lead:	Hana Taylor / Mike Emery
Ratified by:	Finance, Performance and Resources Committee (Herefordshire CCG) and the Clinical Executive Team (Worcestershire CCGs)
Date Ratified:	WCCG – 19/12/18, HCCG – 15/01/19
Date Effective:	15 th January 2019
Date of next formal review:	3 years from effective date
Target audience:	All Staff

Version Control Record

Version	Description of change(s)	Reason for change	Author	Date
1	New policy template & CCG name	To reflect new merged organisation	HR	May 2020

Contents

Title	Page
1. Introduction	3
2. Policy Statement	3
3. Equality Statement	3
4. Scope of the Policy	4
5. Responsibilities & Duties	4
6. Policy Detail	5
7. Financial Risk Assessment	7
8. Consultation	8
9. Approval Process	8
10. Implementation Arrangements	8
11. Dissemination Process	8
12. Training & Awareness	8
13. Monitoring & Compliance	8
14. Development of the Policy	8
Appendix 1 – Application form	9
Appendix 2 – Overview of Procedure	11
Appendix 3 – Model Letter, Approval of Application	12
Appendix 4 – Model Letter, Invite to Meeting	13
Appendix 5 – Model Letter, Reject Application	14
Appendix 6 – Flexible Working Arrangements	15
Appendix 7 – Flexible Retirement Application Form	20

1. Introduction

- 1.1.** Herefordshire and Worcestershire CCGs recognise that enabling staff to work flexibly to achieve a better balance between home and work responsibilities has benefits for both the CCG as an employer and its employees which have positive effects on the overall delivery of services.
- 1.2.** The CCGs are committed to working with staff to identify alternative working arrangements that enable employees to effectively balance their work and family commitments whilst maintaining service delivery.
- 1.3.** The CCGs aim to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its functions, Herefordshire and Worcestershire CCGs must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCGs are responsible, including policy development, review, and implementation.

2. Policy Statement

- 2.1.** The CCGs recognise that it depends on the skills and knowledge of its staff and its ability to attract new staff to meet changing demands. By giving staff the ability to improve the balance of work-life demands, the CCGs will benefit from the following:
 - Improved staff retention
 - Increased staff morale and employee empowerment
 - Reduced levels of absenteeism
 - Enhanced individual and organisational performance
 - Increased attraction for returnees to work
 - Enhanced image as the employer of choice

3. Equality Statement

- 3.1.** The Herefordshire and Worcestershire CCG aims to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the

protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

3.2. In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG are responsible, including policy development, review, and implementation.

4. Scope of the Policy

4.1. This policy applies to all CCG employees.

4.2. All posts should be considered for flexible working unless there is a clear demonstrable operational reason why this is not practicable.

5. Responsibility and Duties

5.1. Employees' Responsibilities:

When applying to work flexibly the employee needs to:

- Balance their own needs against those of their colleagues and the provision of the service.
- Provide a clear plan of how it is proposed that they will work, indicating how work commitments will be met, how this may impact on the team/department and suggest how any impact can be addressed.
- Consider the potential impact of a move to flexible working on their pay, pension and other terms of their contract.
- Understand that it will not always be possible to agree to flexible working arrangements and any solution will meet the needs of the individual and the service at a particular time.
- Ensure prior agreement is sought from the Line Manager before any flexible working arrangement is agreed.

5.2. Managers' Responsibilities:

Managers must make every effort to accommodate flexible working requests, considering:

- The effect of the proposed change on the work of the department and whether this could be accommodated.
- The effect on the morale and performance of the applicant if the application is turned down.
- The impact on other members of the team, including others who may wish to work similar working hours.
- Issues such as the performance management and supervision of the applicant and how access to continual development would be maintained.

- Whether a trial period of the proposed working pattern would be helpful to understand the impact.
- The compliance of the proposed working arrangement with Working Time Regulations (EWTD).

In addition, it is also a manager's responsibility to:

- Deal promptly and supportively with all requests.
- Maintain written records of all aspects regarding the management of the application.
- Agree a review date of a **maximum of 12 months** to assess the impact of the working arrangements and its ongoing requirement; or when circumstances change whichever is the sooner.
- Complete the relevant change form to ensure that the contractual and pay arrangements are made accordingly.

5.3. Human Resources' Responsibilities:

- Provide advice to both employees considering making an application and line managers dealing with an application regarding contractual implications of proposed arrangements.

6. Policy Detail

6.1. Flexible working options

Options under which employees may choose to apply for flexible working include:

- Reduction in hours
- Compressed Hours
- Flexitime
- Term Time Working
- Annualised Hours
- Home Working
- Flexible Retirement
- Job Share

A change in hours will result in adjustments to contractual terms and conditions such as annual leave entitlement, salary, and pension.

6.2. Procedure for Applying to Work Flexibly (see flowchart Appendix 2)

All applications must be made via the completion of the "Request to Work Flexibly" form (**Appendix 1**) and submitted to the applicant's line manager. NB for Herefordshire CCG applications that are provisionally approved, these will need to be formally signed off by the Senior Leadership Team.

To be eligible for consideration the applicant must have been employed by the CCG for at least 26 weeks and must not have made a previous application within the preceding 12 months.

The line manager must respond to the request within 14 days of receiving the written application. This timescale may be extended by mutual consent. The Manager may need to seek further guidance from the Director.

If the manager can agree the request based on the information given on the application form, the manager will write to the employee to confirm new conditions and start date (**Appendix 3**). The contract of employment will be amended to reflect the new terms and conditions.

If the manager needs further information, they will formally arrange to meet the employee within 28 days of receiving the request (**Appendix 4**). The applicant has the right to be accompanied to the meeting by an accredited trade union representative or work colleague acting in an unofficial capacity.

The purpose of this meeting is to enable the manager and employee to explore the proposed work pattern in depth and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in the employee's application.

Within 14 days of the meeting the manager must let the employee know in writing whether the request has been agreed or not and confirming any compromises offered, setting a date for the employee's response if appropriate.

If the request has not been agreed, the manager must give written reasons and set out the appeal procedure (**Appendix 5**).

Although applications for flexible working outcomes are determined by the manager, no request will be unreasonably refused. Any manager considering declining a request should discuss the situation with their Human Resources representative.

Any agreed flexible working arrangement pattern will be subject to regular review by the manager on a frequency of **no more than annually (every 12 months)**.

Withdrawal of an application may be made at any time by the employee, however no further application may be made for 12 months from the date of the application, except in exceptional circumstances.

6.3. Assessment Criteria for Flexible Working

Each application for flexible working will be assessed in accordance with the following set of objective criteria:

- The nature of the individual's job in terms of tasks, use of equipment, teamwork and workload.
- The potential impact on service delivery.
- The potential impact on quality standards.
- The potential impact on the individual team and department.
- The cost implications and / or potential savings and other benefits.
- The ability to recruit, particularly in areas where recruitment has been recently difficult.

It may be appropriate for the line manager dealing with the request to talk to other team members to obtain their views on the proposed change and ways that work can be covered. Where this it is necessary to discuss the proposals with other members of the team, the individual will be made aware of this and advised of the parties that will be consulted.

6.4. Reasons for Refusing an Application to Work Flexibly

Applications for flexible working arrangements may be refused for the following reasons:

- The burden of additional costs.
- Detrimental effect on ability to meet service 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.

6.5. Right of Appeal

If a member of staff is not satisfied with the outcome of the flexible working request, then they have the right to appeal against this decision.

The appeal should be put in writing to the line manager within 14 days of date of the outcome, outlining the reasons for the appeal.

An appeal hearing should be organised within 14 days of the date of the rejection wherever possible. The hearing manager will, in most cases, be the next level of management, ideally outside the immediate area, supported by a Human Resources representative, both of whom will have had no previous involvement in the issues. Where this is not possible, a suitable alternative may be sourced by Human Resources in consultation with the relevant Director. The employee will have the right to representation from a Trade Union representative or work colleague.

The hearing manager will provide written outcome within 14 days of the appeal hearing. If the appeal has been rejected, written reasons for the rejection will be provided.

The outcome of the appeal hearing is final.

Where there are concerns surrounding other issues e.g. discrimination, the grievance procedure can be applied.

7. Financial Risk Assessment

There are no direct financial risks associated with the policy.

8. Consultation

The policy has been subject to consultation with staff representatives via Staff Council.

9. Approval process

The policy has been approved by the Clinical Executive Committee.

10. Implementation arrangements

The policy will be implemented immediately upon approval.

11. Dissemination process

The policy will be placed in the CCG's HR Document library on the Intranet and will be publicised through the CCG's weekly update.

12. Training and awareness

Awareness of this Policy will be raised throughout the CCG. It will be included in any induction training and will also form an integral part of Management Development training.

13. Monitoring and compliance

Actions taken under this Policy will be monitored in terms of equal opportunities by HR representatives.

14. Development of the Policy

This policy will be reviewed after 3 years, or earlier in the light of any legislative changes, developments in best employment practice, to ensure its continuing relevance and effectiveness.

APPENDIX 1

Application Form to Submit a Request to Work Flexibly

Name:

Job Title:

Department:

Start date at the CCG:

Current Hours / Pattern of Work:

Have you previously applied for flexible working? YES / NO

If YES, please give date:

Proposed start date of flexible working:

Proposed period for flexible working arrangements:

Please indicate below, by ticking the preferred option which flexible working option you wish to apply for:

- Reduction in hours Compressed Hours Flexitime
- Term Time Working Annualised Hours Home Working
- Flexible Retirement Job Share Other:

Please provide below your reasons for requesting this pattern of work and as to why this request should be supported addressing the following:

- Proposed hours and pattern of work:
- How you propose to meet all current work commitments:
- What effect will this have on your colleagues/team:
- What effect will this have on the delivery of the service you provide:
- Any problems that you foresee and how could be overcome:

My reasons for requesting this pattern of work are as follows:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

What are the benefits of this change to your team/department/the CCG?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

If this request is denied are there any other options that could be considered?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signed: Print:

Date:

For Manager's Use Only:

1. Agreed, based on information on application form (date):
(to be provided within 14 days of receipt of this application)

OR

2. Meeting arranged for (date) (to be arranged Within 28 days of receipt of this application)

3. Post meeting - Approved? YES / NO

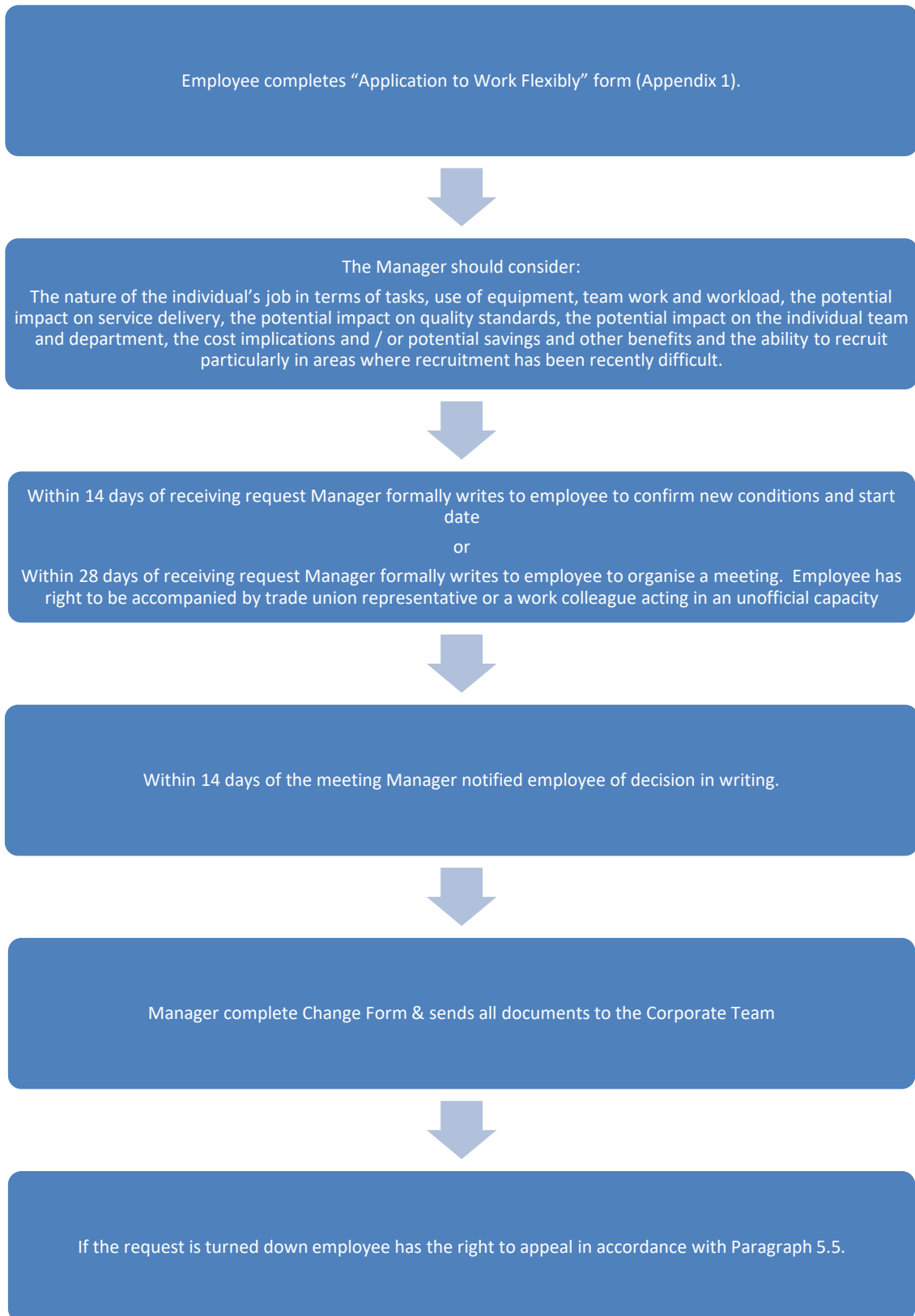
4. Date letter sent to employee to confirm: (Within 14 days of meeting)

Manager's Signature:

Date:

APPENDIX 2

Overview of Procedure: Requests to Work Flexibly



APPENDIX 3

Model Letter 1: Informing staff of approval to flexible working application

Private and Confidential

Date

Name

Address

Dear [name],

Flexible Working Application Request

I am pleased to inform you that your request for flexible working has been agreed.

Your new working arrangements will be effective from [date] and you will now be working [details of hours and days etc.].

Please note that this represents an amendment to your contract of employment.

The changes will also impact on the following terms and conditions including annual leave, salary (delete/add as applicable)

We agreed to review this arrangement in [no more than 12 months].

Yours sincerely

Line Manager

APPENDIX 4

Model Letter 2: Invitation to Formal Meeting no more than 28 days of receipt of request

Private and Confidential

Date

Name
Address

Dear [name] ,

Flexible Working Application Request

Thank you for your application to work flexibly.

I am writing to invite you to a meeting to discuss your request on [date] at [time] at [place]. You have the right to be accompanied at this meeting by a Trade Union representative or a colleague acting in an unofficial capacity.

The purpose of this meeting is to enable us to explore the proposed work pattern in depth and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in your application.

If you are able to attend the meeting at this time, please contact me by [within 5 days] to re-arrange a more convenient time.

Yours sincerely

Line Manager

APPENDIX 5

Model Letter 3: Confirming to staff that their request cannot be approved (no later than 14 days after the meeting)

Private and Confidential

Date

Name

Address

Dear [name] ,

Flexible Working Application Request

Following our meeting on [insert date] to discuss your request for flexible working I am writing to inform you that after careful consideration, it has not been possible to agree to your request.

The reasons for this decision are [insert reasons – see section 5.5 of the policy)

You have a right of appeal against this decision in line with section 6.6 above and should you wish to exercise this right you should write to [Line Manager's Manager] within 14 working days of the date of this letter.

An appeal hearing will then be arranged, and you will be notified of the date and time and location. You have the right to be accompanied at this meeting by a Trade Union representative or colleague acting in an unofficial capacity.

Yours sincerely

Line Manager

Flexible Working Arrangements

The following sections detail how the various options operate.

1. Flexitime

Where employees can choose their own start and finish time around fixed core hours.

However, this arrangement can only apply where there is no requirement for fixed shifts and will therefore most likely to apply in admin and clerical areas.

Traditional Flexitime: employees work their standard hours over a week but are not wholly confined to specific times to work them. Start and finish times are varied to suit the needs of the employee within service requirements, but employees are expected to work during core periods.

Example:

A flexitime system for full time employees could operate as follows:

The working day would be divided into five periods:

Starting Band - Between 8am - 10am

Core Time (am) - 10am to 12pm

(All staff to be in attendance)

Lunch Period - 12pm to 2pm

(Minimum 20 minutes to be taken)

Core Time (pm) - 2pm to 4pm

(All staff to be in attendance)

Finishing Band - Between 4pm to 7pm

Individual departments may wish to devise their own system for core hours in order to meet their specific service needs and ensure appropriate cover is available at peak times.

Recording system

An auditable system for recording hours worked must be in place.

All staff must be available to work within the core periods. However, they can work either side of the core times provided a minimum of 20 minutes (preferably 30 minutes) lunch break must be taken in order to comply with the Working Time Directive and this must be within the specified period. Employees must work their weekly hours (e.g. 37.5) from Monday to Friday within these conditions.

Individual departments may wish to devise their own system in order to meet their specific service needs.

2. Shorter Working Week (Compressed Hours)

Hours worked in a shorter week/fortnight.

If operating a system of a shorter working week/fortnight, employees may choose to work e.g. a 4-day week or a 9 day fortnight. Full hours must still be worked but can be distributed over a minimum of 4 or 9 days. Similar opportunities should also be afforded to part time workers e.g. 24 hours per week over 3 days.

An example of a 37.5-hour week worked over a 9-day fortnight might be as follows:

	Mon	Tues	Wed	Thurs	Fri	Total Hours
Week 1	9-7	9-7	9-7	9-7	Off	38 Hours
Week 2	8-4	8-4	8-4	8-4	9-4.30	37 Hours

Please refer to the CCG Annual Leave Policy when calculating annual leave entitlement when working a 9-day fortnight.

Opportunities to apply for job share exists;

On Appointment:

Responding to a full-time position, making clear during recruitment and selection procedures that he/she wish to take the job on a job share basis.

During Employment:

An existing employee with the CCG who has been working full time decides to change to job share.

By joining with a colleague, to submit a joint application for a full-time post.

Points to consider before individuals decide to job share:

Sharers applying together for a position should submit a joint statement outlining the way the work will be divided, which should include the following:

- Who will work when?
- How will the tasks be divided?
- Will there be an overlap/handover period?
- What forms of communication are required?
- Bank Holidays to be pro-rata.
- Communication and handover

Communication in all job shares is a vital ingredient. Regular, clear and consistent communication and handover of work between sharers is essential; an overlap period may be the solution.

Contracts of Employment for job sharers

Each partner is issued with the usual statement of main terms and conditions of employment, with a special clause stating that the post is a job share, and that the partners are required to co-operate in making the partnership work.

Termination of Job Share

When one job share partner leaves and no replacement can be found, the situation should be considered in the light of all circumstances. This may include:

- The post will be offered to the remaining partner(s)
- Re-deployment of the remaining partner
- Re-allocation of some of the duties of the full-time post
- Creating a part time post

3. Term Time Working

Where staff work during the school term but not during school holidays:

Term time working is a provision for staff who are unable to work during school holidays.

These periods are unpaid and annual leave is normally to be taken during school holidays. Employment is deemed continuous. Employees may choose to take all school holidays, including half terms, as unpaid leave or just specific ones e.g. summer and Easter holidays.

To Calculate Whole Time Equivalent (WTE) for Term Time Only Staff:

To be able to calculate the WTE the following information is required:

- Contracted weekly hours (A)
- Number of actual weeks worked (B)
- Full time annual leave entitlement depending on length of service (C)

1950 – ((27 + 8) x 7 Under 5 years' service
 $\frac{1}{2}$)
 1950 – ((29 + 8) x 7 After 5 years' service
 $\frac{1}{2}$)
 1950 – ((33 + 8) x 7 After 10 years' service
 $\frac{1}{2}$)

This information should then be put into the following formula:

Hours worked per week (A)	x	Full time hours worked x Number of weeks worked (B) (e.g. 40)
------------------------------	---	--

37 $\frac{1}{2}$	Total number of hours available to work (52 weeks x 37 $\frac{1}{2}$ - (Annual leave + general public holidays in hours (C))
------------------	---

The salary paid to holders of term time only contracts includes a payment for:

- Hours worked across the defined number of term time weeks
- Annual leave as appropriate for length of service
- 8 days general public holidays (pro rata)

4. Flexible Retirement Options

Additionally, within the rules of the existing NHS Pension Scheme, there are a range of alternatives available for employees to consider as they approach retirement.

The alternatives for employees, broadly, are:

- To wind down into part-time work or other options as above
- To step down into a less demanding, lower-paid role in a way that preserves pension entitlement from the higher-level post
- To retire and start receiving pension, however the employee may continue with part-time or full-time work (dependent upon an individual's circumstances).

Examples cited within this policy should be viewed as broad illustrations only. Employees should consult with their immediate line manager to discuss individual circumstances.

Managers and individual employees are encouraged to obtain specific information from SBS Pensions and the NHS Pensions Helpline. Employees may also seek advice from their Trade Union representative or their own Independent Financial Adviser.

Wind Down

Defer retirement and move into part-time work

1.1 Pension benefits for part-time employees are calculated on the whole time equivalent pensionable pay. Therefore, moving from full-time to part-time work within the same grade, rather than retiring, will not affect the final pensionable pay calculation used to determine your pension benefits. However, a difference may occur where special allowances, for example a night shift allowance, are not attached to a part-time role.

1.2 Employees who defer retirement and continue to work part-time will continue to build on their pension entitlement. For example, someone working 4 years at 50% of full-time will be credited with 2 extra years of contribution to the scheme.

Step Down

Defer retirement and take up a less demanding, lower paid role

2.1 The general rule is that pension income is set as a proportion of pensionable earnings in the best of the last three years of employment. The proportion is dictated by the number of years each member of staff has participated in the scheme. However, through negotiation with their manager, an employee may step down into a lower paid role, whilst preserving pension rights already earned at the previous, higher level.

2.2 The key aspect of this option is the availability of a suitable role and the formal agreement of the CCG that the higher level of pension entitlement should be preserved. This option can be particularly valuable where the employee has critical skills and experience to contribute to patient care, and where the new role facilitates transfer of this experience to other employees.

2.3 It is important that agreements of this kind are notified to the Pensions Agency within 3 months of the agreed move in role.

Retire and Come Back

Retire, receive a pension and resume working

3.1 Employees wishing to retire and resume work after retirement e.g. full-time, part-time or for short periods will be required to seek the organisations agreement in advance of claiming their pension. The application for this purpose is attached at Appendix 7. Employees should refer to the Retirement Policy for the full Retire and Return procedure.

3.2 Future earnings usually will have no effect on their pension. Any such arrangement, however, must be confirmed in writing to the employee by the appropriate manager. Employees should be aware that, once retired, they will no longer be members of the Pension Scheme and therefore will not build up any further pension entitlement or benefits. This could also affect their life assurance/death in service benefits etc (please seek advice from the Pensions Officer).

3.3 The conditions attached to this option are:

Individuals who decide to retire and are aged under 60 cannot earn more through pension and post retirement employment than their actual salary at retirement. Where this happens, their pension will be reduced to bring total income down to the required level.

Individuals must have 14 days break in employment before resuming work.

In line with the Pensions Act 2008, individuals who retire and re-join the CCG will be automatically enrolled into NEST, (National Employment Savings Trust). Individuals can choose to opt out of NEST by contacting NEST direct, details can be obtained from Human Resources.

Once an individual retires and receives their pension benefits in relation to their NHS service, this service will no longer be counted as “reckonable” for redundancy purposes (paragraph 16.6 of NHS Terms and Conditions of Service). Where an individual takes their pension benefits and returns to work, reckonable service will begin from the date of employment after the break in service.

Individuals who decide to retire and come back cannot work more than 16 hours per week within the first calendar month of retirement, otherwise their pension will be suspended
Individuals who decide to retire, are under 60 years old and who have taken Voluntary Early

Retirement with actuarially reduced pension are excluded from the above conditions.

Individuals should seek their own independent pension advice.

Flexible Retirement Request - Application Form

To be Completed by Employee

Employee's Name:

Personal Number:Date of Birth:

Department:Directorate:

Under the CCG's Terms & Conditions of the Retirement Policy, I would like consideration to be given to my chosen flexible retirement option as indicated below:

Option 1 WIND DOWN - Defer retirement and move into part-time work*

Option 2 STEP DOWN - Defer retirement and take up a less demanding lower paid role*

Option 3 RETIRE & COME BACK - Retire, receive a pension and resume working*
(N.B. a minimum requirement of 3 months' notice for this option)

If Retire & Come Back is the preferred Option, the Retire & Return Assessment Form in the Retirement Policy should also be completed.

* Please tick preferred option

My preferred date of change would be:

Signed:Date:

To be completed by Manager (COMPLETE (A) OR (B) AS APPROPRIATE)

I have discussed the above employee's request with him/her on (Date)
and have advised him/her to seek specialist financial advice when considering this request.

(a) The above employee's request to take flexible retirement (Option Name)
has been agreed with effect from (Date)

.....

(Signed)..... (Manager's Name) (Date)

.....

OR

(b) If it is not possible to meet the employee's request, give reason below: -

.....

.....