

SALISBURY NHS FOUNDATION TRUST Flexible Working Policy

1. Quick Reference Guide

- This policy and procedure apply to all employees engaged on a contract of employment including fixed-term contracts. It excludes agency, contractor, bank and volunteer colleagues.
- Examples of other flexible working patterns.
- How to make a flexible working application.
- Guidance for People Managers on managing flexible working applications.

2. Policy Introduction and Purpose

- Our ability to deliver an outstanding patient experience every time is reliant on you working to the best of your ability.
- We need to make sure the way we work fits the world we live in. The composition of our workforce, the nature of life outside work and the expectations of our people at work are constantly changing, and the more we can move with those changes, the more effective we become. Supporting you to effectively manage your work-life balance through technology and greater choice over your working pattern is crucial in maintaining Salisbury NHS Foundation Trust as an attractive career choice. We operate a hybrid model of flexible working, and we are committed to meeting other flexible working requests whenever possible.
- Your request will be considered on its merits confidentially with fairness, discretion and sensitivity according to our policy and procedure whilst ensuring that we continue to meet service requirements which put our patients at the centre of what we do.
- Our policy seeks to encourage positive inclusion for all our people including the requirements set out in the Equality Act 2010. It also meets the requirements of the Employment Rights Act 1996, the Children and Families Act 2014, the Flexible Working Regulations 2014 and the NHS Terms and Conditions of Employment on Flexible Working.

Version Information			
Version No.	Updated by	Updated On	Description of Changes
1.0	HR Advisor	11/03/13	<u>New Policy</u> Brings together the following policies: Guidance on Flexible & Alternative Working Patterns, Job Share Guidance, and Management Guidelines on Term Time Working and Annualised Hours. Application process rewritten.
1.1	HR Advisor	12/06/13	Term time calculation corrected, and annualised hours section expanded, with new appendix.
1.2	HR Advisor	03/06/15	Amendment to references to P1 forms throughout the policy (as these are now electronic), completion of new EA and new PIA for the policy, addition of values and behaviours paragraph at section 1 of the policy
1.3	People Business Partner	13/08/18	Policy review with grammatical updates
FINAL	Senior Business Partner Employee Relations	January 2023	OD&P Policy and Procedure review in new Template including <ul style="list-style-type: none"> • Quick Reference Guide • New Introduction and Purpose • Eligibility updated to include employees engaged on a contract of employment. It excludes agency, contractor, and volunteer colleagues. • If you are an NHS employee secondee into the Trust your request should be made through both your substantive and current managers. If you are a contractor or agency colleague, your request should be made to your employer and we will endeavour to meet your request. • Introduction of Trust Hybrid flexible working model and incorporation of home working as a flexible working option which is now considered will be considered under the flexible working process not the Home Working policy • Examples of other flexible working patterns • Outcome of application within 10 calendar days and appeal outcome within 10 calendar days • Guidance for People Managers in considering Flexible Working applications

3. Eligibility

This policy and procedure apply to all employees engaged on a contract of employment including those on fixed-term contracts. It excludes agency, bank, contractor, and volunteer colleagues.

4. Scope

As an employee, you have the right to **request** flexible working. This also extends to candidates during recruitment and offer of appointment to any NHS role. You may make more than one request in any 12 months. If you are an NHS employee seconded into the Trust your request should be made through both your substantive and current managers. If you are a contractor or agency colleague, your request should be made to your employer, and we will endeavour to meet your request. The Employment of People with Disabilities Policy should be used in relation to reasonable adjustments that you may require because of a disability.

4 Flexible Working

4.1. Informal flexible working arrangement

Examples of informal flexible working arrangements can be found below and can be agreed upon with your line manager subject to service needs. These arrangements do not require a Formal Flexible Working Application. Adequate rest breaks must be taken to ensure compliance with Working Time Regulations 1998. The Trust has adopted 30 minutes as a minimum unpaid rest break that must be included in your arrangement if you work for 6 or more hours continuously. Your manager will document your agreed informal flexible working arrangement, and this will be recorded on your personal file.

Type of informal flexible working arrangements	Example
Daily hours of work You wish to vary your start and finish times	You request to start or finish your working day earlier or later to enable you to reduce your travel time or to attend personal commitments such as an evening class, a social club, community project or exercise class.
Ad hoc 'making up time' Making up hours on an ad hoc basis allows you to work your contract hours over a shorter than normal period when required, rather than being a permanent change to their working hours.	You request to work 37.5 hours over four and a half days instead of five days. If you consistently require to flex your hours on a routine basis, you need to follow the formal Flexible Working Request Procedure
Occasional Working from Home	You need to work from home due to a one off -non -regular reason e.g. an appointment or because it is more efficient to complete a piece of work. If you need access to a laptop, you may be able to book a loaned laptop through your division. Where you undertake any work from home you are required to comply with the Home Working Policy. For more regular homeworking i.e. under the Trust Hybrid Model you will need to make a formal flexible working application.

4.3 Flexible Working Application

All other flexible working arrangements are formal and will require a change to your contract of employment. These are detailed in the table below. These may also require a change to your remuneration and benefits including holidays and occupational sick pay which will be pro-rata as required. You will not be treated less favourably than any other employee and the same policies will apply to you such as training and development opportunities subject to the timing of these events.

Before making a Flexible Working Application, you should discuss this with your line manager who will assist you with your application. All flexible working applications will be considered on a case-by-case basis. Your manager will take a positive, pro-active approach, focussing on how to make your flexible working request work.

While there will of course be services that have to be provided during certain hours and employees may need to be present to provide those services, your manager will take an evidence-based approach to consider whether that service can be provided with fewer people at certain times in the day or week, and/or from alternative locations. Examples of types of formal flexible working are identified below and you should follow the **Flexible Working Application Procedure**.

Examples of formal Flexible Working which require a Flexible Working Application	Definition
<p>Trust hybrid model of flexible working</p>	<p>This is where you spend a regular and substantial proportion of your contracted hours working remotely from the Trust. This would typically be from your home using standard Trust information technology equipment. This enables you to alternate between your site base (contractual base) that you attend for meetings/supervision and when required by your manager etc and home. Your exact working pattern must be agreed by your manager. In such situations you will 'hot desk' using a shared desk, or a team space will be provided when working on site.</p> <p>The suitability of your job and working pattern to work in this way will be considered as part of the flexible working procedure by your line manager as not all jobs are suitable for home working.</p> <p>Where you undertake any form of home working you are required to comply with the Home Working Policy. This policy includes information for you and your manager on how to obtain information and technology, equipment, meeting our obligations under the Health and Safety at work Act including reimbursement of up to £100 for required ergonomic equipment such as desk, chair, lamp footrest to enable you to work from home safely.</p>
<p>Part-time working This is any contracted hours less than the full-time equivalent.</p>	<p>You request to work less a week after a major life event such as maternity or paternity leave or for some other reason. Some Departments may require a minimum number of hours to be worked on a part-time contract for example: for patient safety or requirements for professional practice therefore part-time working needs agreement from DMT.</p>
<p>Compressed/Condensed Hours This enables you to work your contracted hours on a fixed hours basis over a shorter than normal period</p>	<p>You request to work full-time hours over a nine-day fortnight or a 4.5-day week, permanently.</p>
<p>Flexitime Flexitime allows you to choose, outside core hours and within agreed limits when to begin and end your working day.</p>	<p>You choose when to start and finish your work with the agreement from your manager and covering cover core hours and service needs. These hours do not need to be the same each day and you may be able to accrue up to 1 day per month which you can take back the next month.</p>
<p>Temporary Reduction in Hours You reduce your hours for an agreed period, which is not expected to exceed 6 months.</p>	<p>Your request to reduce your hours temporarily.</p>
<p>Term-time Working Term-time working is defined as working regular full-time or part-time hours during school term periods, and not working during the school holidays.</p>	<p>Term-time contracts run from 1 September to 31 August in line with the academic year and are based on 12.5 weeks of school holidays. Contracts are calculated at 39.5 working weeks. If your child/ren attend private school and you wish to apply for a contract for less than 39.5 weeks you should detail the school attended and the holidays in your flexible working application. Salary will be paid in twelve equal parts. Annual leave is expected to be taken during the school holiday period and with the remainder of school holidays taken as unpaid annual leave.</p>
<p>Annualised hours This is a set number of hours over the year rather than per week. Normally a period of regular hours forms the core of the arrangement, with the remaining time left unallocated and used on a flexible basis to meet peaks in demand.</p>	<p>You wish to work an average of three days a week and will be paid based on having a 0.6 FTE contract even though your hours may differ every week. To convert weekly hours to annualised hours, the standard weekly hours should be multiplied by 52.143 (the number of weeks per year). This figure will include annual leave and bank holidays. It is then essential to separate the leave from the working hours to monitor leave entitlements and working hours. Your basic salary will be paid in twelve equal parts regardless of when the hours are worked. A 'year' for this type of contract will normally run from 1 April until 31 March. You should agree on the plan of hours to be worked in advance with your line manager.</p>

<p>Job share</p> <p>Job sharing is when a full-time role and its workload can be shared between two or more people. Job sharing is potentially suitable for posts at all levels.</p> <p>Job share applications can be received as applications for a vacant post or applications from employees to share an existing post. The hours of the job share partners should be agreed upon before the commencement of the job share and should equate to the hours of the full-time.</p>	<p>The hours worked by each employee do not need to be the same and maybe renegotiated if required. The job share partners will have one common job description and each partner must be prepared to undertake the full range of duties. Each job share partner will have an individual contract of their terms and conditions of employment. In the event of one job sharer leaving, the remaining partner will be offered the post on a full-time basis. If this offer is declined, efforts will be made to recruit a new partner following the normal recruitment procedure. The vacant post will be advertised as a job share and all candidates should be made aware of the details of the job-sharing arrangements. If no suitable partner can be found, the manager should consider whether an alternative means of flexible working may be appropriate and discuss this with you. During the search for a job share partner, the working arrangements of the existing employee would normally remain unchanged. A job share arrangement is conditional on there being a suitable job-share partner. The job-share contract will set out in detail what happens if one job sharer wishes to leave the job-share arrangement.</p>
<p>Examples of formal Flexible Working which require a Flexible Working Application</p>	<p>Definition</p>
<p>Flexible/Phased Retirement</p> <p>The flexible retirement options that may be available to you depend on the part of the pension scheme you are in. You can find out which section or scheme you are in through your Total Reward Statement which is available on ESR self-service. Please see the Retire and Return Guidance for more information.</p>	<p>From April 2015, you may have membership in more than one part of the pension scheme – so you will need to ensure that if you wish to take up flexible retirement, the option you choose applies to all your pensionable membership. To find out more about your retirement options, visit the NHS Employers or NHS Pensions.</p>

5. Procedure - How to make a Flexible Working Application

5.1 Flexible Working Application

You need complete your Flexible Working Request through ESR and submit to your manager. If you do not have access to ESR your manager will submit the request for you. Guidance is attached in [Appendix A - ESR Flexible Working Guidance](#). This should include the following information:

- the date of the application
- the change to working arrangements you are seeking
- when you would like the change to come into effect
- what effect, if any, you think the requested change will have on the Trust
- how you think any effect on the Trust might be dealt with
- a statement that it is a statutory request; and
- the date of any previous application for flexible working.

5.2 Considering Your Application

Your manager may be able to agree to your flexible working request without the need to meet formally with you. However, there may be occasions when your manager will need to set a meeting to discuss this with you. Within 10 calendar days of your request, you will receive either written confirmation to your request or a meeting will be arranged to discuss the request in more detail. You may request a workplace colleague or a certified trade union representative to attend this meeting with you. If you choose to be accompanied you should confirm the name of the person and trade union, where relevant 24 hours in advance.

The purpose of the meeting will be to discuss:

- the desired flexible working arrangements in depth
- explore how best it might be accommodated
- consider alternative arrangements
- should there be a problem in accommodating the proposed arrangements; and
- consider terms of a trial period if appropriate.

Within 10 calendar days of the meeting your manager will confirm in writing to you:

- the new working pattern and the start date together with details of any trial period to ascertain whether the arrangement can work in practice (see [section 5.3](#)) and any changes to your remuneration if relevant; or
- provide a clear explanation referencing one or more of the statutory reasons why the application cannot be accepted (see [section 5.4](#))

5.3 Trial Periods and Reviews of Flexible Working included in your contract of employment

Your new contract may be subject to a trial period to ensure the effectiveness and suitability of the arrangement for both you and us. Trial periods will be on the basis that:

- they are short term and enable your manager to confirm the outcome of the request within 3 months unless both parties agree to an extended timeframe
- both parties agreed to undertake the trial; and
- both parties should agree in advance on the measures for the success of the trial period.

The letter confirming a change to you working pattern/location is your contract amendment letter. If the arrangement is subject to the completion of a trial period, this condition will be included in the contract amendment letter. If the trial period is successful, your flexible working agreement will continue based upon the terms and conditions set out in your contract amendment letter. If the trial period is unsuccessful, your manager will explore with you whether alternative flexible working options may be accommodated. If no alternative arrangement can be found, you will revert to your original working arrangement.

5.4 Rejecting a Formal Flexible Working Application.

Every effort will be made to agree to your flexible working request, however, there may be certain situations where your line manager may not be able to agree to the request and will explore alternative arrangements with you. Below are the statutory reasons why a request may not be agreed to:

- the burden of additional costs
- an inability to reorganise work amongst existing employees
- an inability to recruit additional employees
- a detrimental impact on quality
- a detrimental impact on performance/detrimental effect on the ability to meet customer demand
- insufficient work for the periods the employee proposes to work or
- a planned structural change to the business.

Where your application is to work remotely from home, we will also consider your ability to achieve an appropriate working environment including your health and safety in accordance with the [Home Working Policy](#).

Your line manager may consult with your People Advisor when considering a flexible working agreement.

5.5 Appeal

You have the right to appeal to your manager's manager in writing within 10 calendar days of receipt of the decision, stating the grounds of appeal. If your senior manager is not considered to be impartial by either party, another senior manager within the team (or the wider directorate as necessary) can be appointed as the appeal manager. The grounds for your appeal may be:

- new information relevant to the request was not available at the time of the original application; or
- you believe the process was not correctly followed; or
- you believe your request has been unreasonably refused.

The senior manager will consider the written appeal fully, taking into consideration alternative options including advice from your People Advisor and within 10 calendar days your manager will:

- uphold your appeal directly and confirm this in writing, setting out the change agreed; or
- hold a meeting to hear your appeal and you may if you wish be accompanied by a workplace colleague or certified trade union representative.

The decision will be confirmed to you in writing within 10 working days of the appeal meeting.

6 Guidance for People Managers - Considering Flexible Working Requests (Informal and Formal)

6.1 Benefits of Flexible Working

High-quality flexible working arrangements are an important component of a **modern and innovative employee offer** helping our people maintain a positive balance between their work and personal lives. There are many benefits to our organisation of high-quality flexible working arrangements including:

- a more highly motivated workforce who will deliver high-quality work
- a workforce which is both efficient and effective
- adaptable and flexible in balancing the needs of our service and our people
- a significantly improved ability to retain people in a competitive employment market including those with particular skills and valued experience
- retain people with organisational knowledge/memory and where we have invested in their development
- the ability to recruit, retain and develop a more diverse workforce
- reduction in costs associated with high levels of turnover lost productivity and recruitment
- supporting efforts to reduce the gender pay gap and promote career progression for all
- attracting high-quality candidates in the recruitment market and being the employer of choice; and
- reducing our carbon footprint and improving our air quality through reduced business and commuter travel.

For our people, the opportunity to work flexibly can:

- improve work/life balance which can positively impact employees' health
- help improve the scope for employees to better manage their day-to-day responsibilities
- support those with disabilities to remain in employment in conjunction with the Employment of People with Disabilities policy
- support those with caring responsibilities to remain in employment in conjunction with the Leave Policy
- increase access to career progression at all levels.

6.2 Your Responsibilities as a Manager

As a manager, you are responsible for creating an environment where your people can work to the best of their ability and flexible working contributes to achieving this position. You should encourage open dialogue with an employee who wishes to consider an informal flexible working arrangement or who makes a formal Flexible Working Application.

Your People Advisor will provide advice regarding the application of this policy and procedure, and it is recommended that you contact them when you receive a formal flexible working request. They will support you in taking a positive, constructive approach to the request ensuring that a request is not rejected unless one of the statutory reasons applies and that you are aware of the timeframes in responding to a formal application as set out in this procedure (See 5. Procedure - How to make a Formal Flexible Working Request).

Flexible working application must be processed through ESR and using the Template letters provided where you may reject an application. The following points will assist you in responding to the application:

- a) Focussing on how to make the flexible working request work (rather than looking for reasons to reject it thinking broadly and creatively and be open to considering how to support employees to work flexibly within agreed parameters.
- b) Requests must not be refused simply because they do not comply with a departmental position for example, that all employees must attend the office during specified core hours, as this would not meet the requirement to consider requests on a case-by-case basis. However, the request must enable the organisation to meet organisational needs, for example thresholds for safe staffing and the requirement for clinical staff to have the required practice hours.
- c) There will be services that have to be provided during certain hours and employees may need to be present to provide those services. However, an evidence-based approach to considering whether that service can be provided with fewer people at certain times in the day or week, and/or from alternative locations is required.
- d) When considering flexible working, the focus will be on the delivery of the employee's objectives, rather than when or where they work. Employees and managers are required to consider the potential business implications of implementing flexible working arrangements, for instance, the ability to meet individual, team and wider organisational objectives including ultimately patient care.
- e) The reason for an employee's request to work flexibly is not relevant. Employees are free to request a flexible working arrangement for any reason, for example, to have more time to study, to train for a sporting event, to develop a hobby or simply because they wish to maximise their free time.
- f) Working unsocial hours (8 pm to 6 am) is not encouraged, unless it is a requirement of the role. However, each case should be assessed on an individual basis. If an employee requests to work outside of these parameters to support their flexible working arrangements and exceptionally this is agreed by their line manager, they would not be eligible to claim any additional payments insofar as it is not a requirement of the role.
- g) Agreement to one flexible working request does not set a precedent or create the right for another member of staff to be granted a similar change to their working pattern.

Template letters you will require at each stage of the procedure can be found in the Appendices. Letters to employees should also be retained confidentially on the employee's personal file.

Changes to an employee's contract as a result of a flexible working agreement must be processed through ESR to ensure an employee's personal record is updated, a contract amendment letter is provided, and payroll is informed as required.



7. Monitoring compliance with and the effectiveness of this policy

Flexible working Applications and outcomes will be monitored by the OD and P Division to ensure compliance with this policy and procedure and our people managers are responsible for the implementation of this policy.

8 Equality Impact Assessment

This document has been assessed against the Trust's Equality Impact Assessment Tool which was presented to the ratifying committee.

Appendices

Appendix	Description	File
A	ESR Flexible Working Guidance	https://mg.salisbury.nhs.uk/media/3214/appendix-a-esr-flexible-working-process.docx
B	Invitation to a Flexible Working Meeting/Appeal Meeting	 Appendix B Invitation to a Flexit
C	Flexible Working/Appeal Outcome Letter (to agree or reject the application)	 Appendix C Outcome of Flexible
D	Term Time Calculator	http://mg.salisbury.nhs.uk/media/2477/appendix-b-term-time-calculator.xls

Post Holder /Author Responsible for Policy:	Senior Business Partner Employee Relations
Date Written:	September 2022
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