



FLEXIBLE WORKING

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1.0 PURPOSE

- 1.1 This policy sets out the approach to the handling of flexible working requests.
- 1.2 The organisation is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that a full range of flexible working options will not be appropriate for all jobs across all areas of the CCG.
- 1.3 The CCG recognises the importance of helping its employees balance their responsibilities including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. It also recognises that staffing levels must at all times remain in line with the demands of the business and may also at times request that staff work more flexibly to meet the needs of the business.
- 1.4 This policy considers the following options, but the CCG recognise that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a number of options:
- Job-sharing
 - Part-time working
 - Annualised hours
 - Compressed hours
 - Term-time working
 - Voluntary reduced working time
 - Career Breaks
 - Swapping hours
 - Flexitime
 - Working from home

2.0 SCOPE

- 2.1 This policy applies to all individual employees irrespective of age, sex, gender reassignment, sexual orientation, race, religion or belief, disability, marriage and civil partnership or pregnancy and maternity. This will include those employed on temporary and fixed term contracts.
- 2.2 The Employment Act 2002 introduced the right for employees with 26 weeks continuous service, a child under 17 (18 where the child is disabled) and parental responsibility for the child, to request a change to the number of hours that they work, the times that they work or their place of work. The right to request flexible working is available to employees who have a minimum of 26 weeks continuous service and who have caring responsibility for an adult aged over 18 who is their spouse, partner or civil partner, a relative, or someone who lives at the same address also have the right to request flexible working. The CCG would also wish to extend this right to other employees not covered by these provisions wherever possible.
- 2.3 Whilst the CCG policy is to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has been given to those who are eligible for this right.

3.0 THE FLEXIBLE WORKING OPTIONS

3.1 Job Sharing

An arrangement whereby two part-time employees share the responsibility of one position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other has left off, while in a 'divided responsibility' arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

3.2 Part-time working

A system by whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of contract in question. There are enormous variations to part-time working. Examples are later start or earlier finish times, afternoons or mornings only and working fewer days in the week.

3.3 Annualised Hours

A system whereby the employee's contractual hours are expressed as a total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

3.4 Compressed hours

A system that permits employees to work their total number of contractual hours over fewer working days. Usually a five day week is compressed into four days or four and a half days, or a 10 day fortnight into nine days.

3.5 Term-Time Working

A system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays. Salary is usually paid in 12 equal monthly instalments, and the contract usually specifies that no annual holiday should be taken during term time.

3.6 Voluntary Reduced Working Time

A system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to full-time hours at the end of this period.

3.7 Career Breaks

A system whereby the employee has an extended period of time away from paid work, often with a guarantee of a return to the same or a similar job at the end of the time.

3.8 Swapping Hours

A system whereby employees can swap hours or shifts with colleagues doing the same type of work at different times of the day.

3.9 Flexitime

A system that permits flexibility of working hours at the beginning and end of the day or shift employees must work designated core hours and complete an agreed number of hours over an agreed period, usually a month. Because of the nature of the services provided by the CCG, there are areas where flexitime cannot be accommodated due to the needs of the service. Individual requests to work flexitime will be considered by the CCG and a flexitime system will only be considered on a 'whole team' basis where the needs of the service will not be adversely affected.

3.10 Working from home

A system whereby the employee carries out a proportion of their duties from home rather than on the CCG premises. Managers, at their discretion, may agree to the working at home to coincide with a domestic requirement. Or, in a limited number of posts, managers may agree a contractual arrangement for working from home for an agreed period. To ensure the principles of Information Governance are adhered to, managers and staff are required to make the necessary arrangements to ensure all confidential information remains secure at all times during this arrangement.

4.0 RESPONSIBILITIES

4.1 The Board has a responsibility to oversee the implementation of this policy and to ensure that managers take action to meet the organisation's obligations to ensure equity and consistency.

4.2 Managers have a responsibility to follow this policy and to act on concerns or issues raised in a sympathetic, sensitive and supportive manner.

4.3 The HR Department are responsible for the provision of advice and/or support to managers and employees in relation to the application of this policy.

4.4 Employees have a responsibility to familiarise themselves and act in accordance with this policy.

5.0 PROCEDURE

5.1 Employees who wish to request flexible working should complete the Flexible Working Request Form (Appendix A), detailing the flexibility required and the impact upon the service.

5.2 The employee's line manager will respond and arrange to meet with the employee no later than 28 days after the request was received.

5.3 At this meeting the individual will have the opportunity to explain the reasons for the request and what flexibility they require. The employee may be accompanied at this meeting if they wish by a colleague, trade union representative or friend not acting in a legal capacity.

5.4 The content of the meeting should also include a discussion about the contractual issues, hours, minimum unpaid breaks in line with EWTD regulations, health and safety issues, training requirements, changes to annual leave entitlement and any other terms and conditions affected following the proposed change.

5.5 Advice may be sought from HR department or payroll.

6.0 CONSIDERATION AND DECISION

- 6.1** Following the meeting, the line manager will write to the employee within 14 days to inform them of the outcome to the request and the reason for this decision.
- 6.2** If the request is granted, this should also include any special requirements upon the employee, for example, attendance at work outside the revised hours to attend training sessions/meeting etc.
- 6.3** The Flexible Working Request Form and any related paperwork should all be retained on the employee's personal file, and any changes notified to payroll.

7.0 TRIAL PERIODS

- 7.1** In some circumstances the manager and/or employee may have reservations about the potential success of a new arrangement. In these circumstances, the manager may agree to a trial period of up to 3 months to assess the impact of the arrangement.
- 7.2** There should be a midway review to discuss the impact and consider any further adjustments, or the continuation/ending of the arrangement.

8.0 REASON FOR DECLINING A REQUEST

Any refusal to a request must be explained to the applicant and must be based on one or more of the following reasons:

- The cost burden to the CCG
- There will be a detrimental effect on the ability of the CCG to meet its service needs
- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality or performance
- Insufficient work at the times requested to work
- Planned structural changes
- A detrimental impact on other staff

9.0 APPEALS PROCEDURE

An employee who has had their request refused by their line manager can appeal using the CCG Grievance procedure.

APPENDIX 1 - FLEXIBLE WORKING REQUEST FORM

1. Personal Details

Name: Department.....

Manager:

2. To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

2 a. Describe your current working pattern (days/hours/times worked):

b. Describe the working pattern you would like to work in future (days/hours/times worked): (you may continue on a separate sheet if necessary)

c. I would like this working pattern to commence from: Date:.....

3. Impact of the new working pattern

I think this change in my working pattern will affect my employer and colleague as follows:

4. Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

Name:..... Date:.....

NOW PASS THIS APPLICATION TO YOUR MANAGER

Cut this slip off and return it to your employer in order to confirm your receipt of their application

Employer's Confirmation of Receipt (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

Date:.....

I shall be arranging a meeting to discuss your application within 28 days following this date. You have the right to be accompanied at the meeting by a friend, trade union rep or colleague.

Signed:

Manager's Acceptance or Rejection (to be completed and returned to employee)

Dear:

Thank you for meeting with me on to discuss your flexible working request

EITHER I confirm that I agree to the requested change to your working pattern from

OR I confirm that we agreed to an alternative working pattern of

.....

You have the right of appeal against this decision if you are dissatisfied through the CCG Grievance Policy.

Signed:

Appendix 2 - Equality analysis initial assessment

Title of the change proposal or policy:

Flexible Working

Brief description of the proposal:

To ensure that the policy meets the needs of a small employer, is legally compliant, complies with Agenda for Change and takes account of best practice

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

Simon Morris, HR Business Partner, Staffordshire and Lancashire CSU

Date of assessment: 29th May 2013

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 CCG 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 organisations 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:

From an assessment of this policy and consideration of employees with protected characteristics under the Equality Act 2010 there is no anticipated detrimental impact on any equality group. There are no statements or conditions within this policy or requirements of this policy that disadvantage any particular group of people with a protected characteristic.